

Truth Seekers or Power Brokers?

The League of Nations and its Commissions of Inquiry

Submitted in fulfilment for the requirement of the degree of Doctor of Philosophy

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DECLARATION

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STATEMENT 1

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Summary

During its lifetime, the League of Nations aspired to gather reliable facts and produce accurate knowledge that could transform the conduct of international politics. Inquiry was one of many techniques the League actively deployed to find more rational means in which diplomacy was conducted and political decisions were made in Geneva. *Truth Seekers or Power Brokers* investigates the purpose and significance of international inquiry commissions in the inter-war years and asks to what extent they lived up to the high expectations of impartial knowledge created in a politicised environment. The thesis takes four thematically different case studies, concerning opium production in Persia, slavery and forced labour in Liberia, the Manchurian crisis that took East Asia by surprise, and the territorial dispute that emerged between Bolivia and Paraguay over the Chaco Boreal, to argue there is both coherence and reason behind the League's repeated reliance on the inquiry technique.

The thesis situates international inquiry and the League 'experiment' in a wider frame of imperial internationalism, which aids to explore a scientific cosmology of developmentalism underscoring the various fact-finding methods, as well as a civilisational lens and imperial modes, idioms and repertoires that are prevalent in the case study material. The imperial internationalist framework is explored by means of three dimensions, namely the ad hoc institutional setting in which inquiry was embedded, the multi-level context of competing powers, contestation and rivalry in which investigations took place, and the myriad manifestations of personal and state agency, by way of truth seeking, technical innovation and the defence of national sovereignty, against attempts of foreign tutelage and territorial expansion. The thesis explains how inquiry, as a technique, brought about a softer face of empire in the inter-war years, through Western expertise and assistance, but equally was meant to preserve and reinvigorate the imperial hierarchies that underscored the post-war international system.

Keywords

League of Nations · inquiry · knowledge production · empire · internationalism

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Table of Contents

Summary.....	iii
Acknowledgements.....	iv
Table of Contents.....	vi
List of Abbreviations and Tables	viii
1: Introduction.....	1
Rational aspirations.....	2
Imperial internationalism	6
Structure and aim of the thesis	9
Approach and sources	15
2: The League of Nations and its Commissions of Inquiry	17
Origins and development of inquiry	18
Inquiry and international law	31
Inquiry and the League of Nations	38
The purpose and value of League inquiries.....	46
An imperial internationalist framework.....	52
3: The Inquiry Commission for Opium Production in Persia	64
Introduction.....	64
The origins.....	67
‘Flowers of evil’	67
Raising the international stakes	70
The rise of Reza.....	74
The catalyst	79
The composition.....	86
The inquiry	95
A ‘reconnaissance’	98
The report.....	103
Aftermath	110
Conclusion	115
4: The Inquiry Commission for Slavery and Forced Labour in Liberia	119
Introduction.....	119
The origins.....	124
The catalyst	130
The composition.....	137
Liberia’s ‘voluntary decision’ before the League	137
Terms of reference	138
The composition.....	142

The inquiry	151
Preparation and arrival	152
Proceedings	155
Methods and practices of inquiry	160
The report	165
Aftermath	169
Conclusion	176
5: The Inquiry Commission for the Manchurian Crisis	180
Introduction	180
The origins	183
The catalyst	190
The composition	203
The inquiry	212
The report	223
Aftermath	228
Conclusion	233
6: The Inquiry Commission for the Chaco Dispute	237
Introduction	237
The origins	242
The catalyst	249
The composition	258
The inquiry	264
A tale of two rivals	266
All what it takes	271
From red lines to institutional rivalry	276
The report	279
A duty of responsibility?	279
Aftermath	283
Conclusion	288
7: Conclusion	292
Note on Spelling	303
Bibliography	304
Archival sources	304
Published sources	314
Secondary sources	316

List of Abbreviations and Tables

Abbreviations

AGA	Archivo General de la Administración, Alcalá de Henares
APOC	Anglo-Persian Oil Company
ASD	Archivio Storico Diplomatico del Ministero Affari Esteri, Rome
FDR	Franklin Delano Roosevelt Presidential Library, Hyde Park
FRUS	Foreign Relations of the United States
IIA	International Institute of Agriculture
ILO	International Labour Organisation
IR	International Relations
KHBL	Knebworth House Bulwer-Lytton Family Archives, Knebworth
LONA	League of Nations Archives, Geneva
RCMS	Royal Commonwealth Society Library Collections, Cambridge
SMR	South Manchuria Railway Company
UN	United Nations
UNIA	Universal Negro Improvement Association
US	United States of America

Tables

Table 1	International inquiries organised by the League of Nations	39
Table 2	Power and political contestation in a multi-level field	58

1: Introduction

‘Looking back to-day over ten years of development in international organisation, we can see that there has come into existence a new machinery of government, in which the most important work is done, not, as in our own country and in all the old-established states, by the Civil Service, but by Advisory Committees of Those Who Know, operating without legislative authority and imposing their will “by the mere weight of expert agreement.”’
(Alfred Zimmern, “Democracy and the Expert”, 1930)

‘I can imagine [the League] supplying experts, administrators, advisers, and advisory commissions; they would be free from the kind of suspicion which naturally attached to similar “advisers” provided by the great imperialist Powers.’
(Leonard Woolf, *Imperialism and Civilization*, 1928)

During its lifetime, the League of Nations turned to inquiry commissions as a technique to collect facts about issues of international importance. On nine occasions that merited international attention, the League appointed a group of persons to gather relevant facts and provide advice in the form of a report. For the League, inquiry meant a set of methods to obtain information, ‘for whose accuracy it can vouch’.¹ There was a held belief that reliance on appointed experts would guarantee the impartial acquisition of reliable knowledge, which in turn would aid the Council or Assembly to decide on politically sensitive matters. The inquiry technique was used and adapted throughout the inter-war years to suit a diverse number of themes, from territorial disputes to international cooperation in the fields of health, trade and social issues. The investigations were a central point of attention for the press, since they personified – by means of a group of commissioners – the League’s dealings with world affairs. For instance, the Lytton inquiry into the Sino-Japanese dispute over Manchuria was extensively documented in the daily press, captured in photographs as well as the subject of film reporting.²

¹ *Discussion at the 65th Session of the League of Nations Council*, September-December 1931, 1A-31334-31349, R1865, League of Nations Archives (hereafter LONA).

² For example, see the Heidelberg project: “Global Politics on Screen: A Japanese Film on the Lytton Commission in 1932,” University of Heidelberg, accessed 16 November 2018, <http://kjc-sv013.kjc.uni-heidelberg.de/gpos/>.

Despite their attention-grabbing character and sizeable role in the organisation's endeavours to preserve peace, inquiries are little understood as a fact-finding technique in this international environment.³ Contemporary observers disputed inquiries' overall contribution to the activities of the League of Nations.⁴ In recent decades, League scholars have mentioned them chiefly in the context of territorial disputes: F.S. Northedge considered them 'a well-established League technique' that helped to reduce tensions between states, whereas Martyn Housden praised the Lytton commission for its 'diligent approach' in elucidating the facts of the Manchurian crisis.⁵ However, inquiries were also used in contexts not directly related to inter-state conflict.⁶

Rational aspirations

Why did the League of Nations rely on inquiry commissions as a means to gather information on a range of international subjects? In multiple ways, these commissions appeared to embody the League's aspiration to transform the conduct of international politics. From its establishment the organisation was preoccupied with the means to organise peace, in part through collective security and disarmament. Yet, the aim to render war between states impossible was underpinned by a belief in rational means to achieve this.⁷ Through expert committees, investigative teams, statistical yearbooks and intellectual cooperation with other agencies, the

³ This mostly concerns the League's usage of the inquiry technique (and to some degree the UN inquiries organised by the Human Rights Council), since its legal counterpart embedded in The Hague international court system has been examined in more detail. See: Herik, L. J. van den. "An Inquiry into the Role of Commissions of Inquiry in International Law: Navigating the Tensions between Fact-Finding and Application of International Law." *Chinese Journal of International Law* 13, no. 3 (September 1, 2014): 507–37. Also see the upcoming symposium in the *European Journal of International Law* on 'International Commissions of Inquiry: What Difference Do They Make? Taking an Empirical Approach'.

⁴ In the words of one Chilean diplomat, League inquiries appeared to be a form of 'expensive political tourism'. *Ministry of Foreign Affairs to Ambassador Count Luigi Aldrovandi*, 10 October 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 22, Archivio Storico Diplomatico del Ministero Affari Esteri (hereafter ASD).

⁵ F.S. Northedge, *The League of Nations: Its Life and Times 1920-1946* (Leicester: Leicester University Press, 1988), 112. Martyn Housden, *The League of Nations and the Organisation of Peace* (London: Routledge, 2014), 100.

⁶ For examples of recent research regarding non-dispute related inquiries: Paul Knepper, "The Investigation into the Traffic in Women by the League of Nations." *Law and History Review* 34, no. 01 (February 2016): 45–73. Cristiana Schettini, "Between Rio's Red-Light District and the League of Nations," *International Review of Social History*, January 10, 2018, 1–28.

⁷ Alternatively, Allan has labelled this 'a scientific spirit'. See: Bentley B. Allan, *Scientific Cosmology and International Orders* (Cambridge: Cambridge University Press, 2018), 183.

League sought to gather facts on the socio-economic conditions of populations across the globe.⁸ Reliable information and the production of knowledge could support the political decision-making process and, in turn, the improvement of well-being and the development of peoples could preclude the emergence of new conflicts. Therefore, inquiry commissions were one of several techniques to put the rationalisation of international politics into practice.⁹

Back in its day, the critics of the League of Nations had observed how the peaceful principles upon which the organisation was founded, were fused with a belief in scientific progress and a technocratic manner to conduct politics. For E.H. Carr, the League was an 'attempt to standardise international political problems on a rational basis', in what he considered an infinitely complex world, whereas Hans Morgenthau questioned its 'confidence in the power of reason' to solve the social problems of the period.¹⁰ Robert Dell, a long-standing sceptic of the League, acknowledged that some of the technical activities supported by experts at the League had led to 'good work in the non-political field'.¹¹ Yet, for a long period of time, much of the League scholarship had focused only on the organisation's core area of peace-building, such as collective security and disarmament. Geneva's incapacity to preclude the eruption of conflicts in Manchuria and Abyssinia – provoked by expansionist powers such as Japan and Italy – and the rapid rearmament of countries in the 1930s were taken as evidence of a general failure by the 'ill-fated' League of Nations.¹²

⁸ Daniel Laqua "Intellectual Exchange and the New Information Order of the Interwar Years: The British Society for International Bibliography, 1927–1937." *Library Trends* 62, no. 2 (2013): 465–77. Rodogno, Struck, and Vogel, *Shaping the Transnational Sphere* (New York: Berghahn Books, 2015).

⁹ It is perhaps unsurprising that the League's ambition to gather information intersects with parallel developments towards universalist documentation during this period. See: Rayward, *The Universe of Information: The Work of Paul Otlet for Documentation and International Organisation* (Moscow: All-Union Institute for Scientific and Technical Information VINITI, 1975). Also see: Wertheim, Tournès, and Parmar, "The Birth of Global Knowledge," *International Politics* 55, no. 6 (November 2018): 727–33.

¹⁰ E.H. Carr, *The Twenty Years' Crisis, 1919-1939* (London: Papermac, 2001), 28. Hans J. Morgenthau *Scientific Man vs. Power Politics* (London: Latimer House Limited, 1947), 8.

¹¹ Robert Dell, *The Geneva Racket, 1920-1939* (London: R. Hale Ltd., 1941), 23.

¹² The expression originates in: Elmer Bendiner, *A Time for Angels: The Tragicomic History of the League of Nations* (New York: Knopf, 1975). Norman A. Graebner and Edward M. Bennett, *The Versailles Treaty and Its Legacy: The Failure of the Wilsonian Vision* (New York: Cambridge University Press, 2011). This assessment also touches upon the origins of International Relations, namely the 'first debate' between idealists and realists: Peter Wilson, "The Myth of the 'First Great Debate.'" *Review of International Studies* 24, no. 05 (December 1998): 1–16.

In recent years, however, scholars have found new ways to reappraise much of the ‘technical’ work undertaken by Geneva’s advocates of internationalism, in fields such as humanitarian relief, public health and intellectual cooperation.¹³ In 2007, this led Susan Pedersen to move away from the question of failure and towards a better grasp of what the organisation did during its existence: she identified multiple legacies of the League, concerning both its role as peace-keeper but also as agent in managing state power and authority at the international level.¹⁴ According to Pedersen, it was within this second area, concerning the boundaries between the national and the international, that the importance of the League became palpable: the sphere of socio-technical activities, with its expert involvement, was gradually being reassessed and marked as both an important and foundational legacy to nascent forms of cross-border cooperation and global governance – carried across and further developed after the Second World War.¹⁵

Since then, the historiography of the League of Nations has been guided by this legacy centred upon socio-technical activities, which puts the emphasis on the League being both a crucial actor in the development of global norms and standards as well as an agent for the transition from a world structured around empires to one chiefly comprising sovereign states.¹⁶ As a result, much of this literature is built around a narrative of legacy that considers the League as a decisive step (or an experimental laboratory) in the institutionalisation of a liberal international order during the twentieth century.¹⁷ In contrast, the League’s legacy that revolves around the more

¹³ Iris Borowy, *Coming to Terms with World Health: The League of Nations Health Organisation 1921-1946* (Bern: Peter Lang, 2009). Daniel Laqua, “Transnational Intellectual Cooperation, the League of Nations, and the Problem of Order.” *Journal of Global History* 6, no. 02 (July 2011): 223–47. Davide Rodogno, Liat Kozma, and Magaly Rodriguez Garcia, eds. *The League of Nations’ Work on Social Issues* (Geneva: United Nations, 2016).

¹⁴ Legacies or sometimes described as ‘narratives’, see: Susan Pedersen, “Back to the League of Nations,” *American Historical Review*, 112, no. 4 (2007): 1092.

¹⁵ Daniel Gorman, *The Emergence of International Society in the 1920s* (New York, NY: Cambridge University Press, 2014), 12-13.

¹⁶ Pedersen, “Back to the League of Nations,” 1092. The case of mandates is explored in detail in: Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 404-406.

¹⁷ Francis Anthony Boyle, *Foundations of World Order: The Legalist Approach to International Relations (1898-1922)* (Durham: Duke University Press, 1999). Simon Jackson and Alanna O’Malley, eds. *The Institution of International Order: From the League of Nations to the United Nations* (Abingdon, Oxon; New York, NY: Routledge, 2018).

conventional aspects of peace-keeping, through collective security, disarmament and public diplomacy, rarely tends to be perceived or formulated along similar ‘foundational’ lines.¹⁸ Moreover, a historical binary of success and failure to describe the aims and activities of an organisation has not entirely disappeared within the subject area.¹⁹ To some extent the debate about the multiple legacies of the League has widened the gap, especially when assessing the organisation in more holistic terms. Although international historians of the past two decades have increasingly refrained from using unequivocal criteria of judgment when discussing the League – to appraise some of its work without turning celebratory – the language used to describe and frame its activities and impact differs according to the legacy in which it is situated.²⁰ Put differently, the specialisation within international history and the focus on one thematic subset of the League’s activities has served as a constraint on observing and addressing the overlaps and entanglements of (seemingly) separate legacies.²¹ Whereas Pedersen’s distinction serves a historiographical – even revisionist – purpose, it also draws boundaries between aspects and areas of activities that cannot be easily placed within one legacy, as they blend matters of security or sovereignty but can also be situated in the sphere of ‘technical work’. Inquiry is one such example of a phenomenon that cuts across the multiple legacies of the League.

¹⁸ One exception to this: Erin K. Jenne, *Nested Security: Lessons in Conflict Management from the League of Nations and the European Union* (Ithaca: Cornell University Press, 2015). On a more conceptual level, the legacy of peace-keeping has been framed as one of ‘institutional replacement’, see: Patrick Cottrell, *The Evolution and Legitimacy of International Security Institutions* (New York: Cambridge University Press, 2016).

¹⁹ See Clavin in reference to claims of success and failure and the importance of not completely sidestepping this historical framing of the League: Patricia Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946* (Oxford: Oxford University Press, 2013), 10.

²⁰ Arguably it was different for League contemporaries, such as Alfred Zimmermann, Frank Walters and H.R.G. Greaves, who could approach the subject from a near-universalist perspective, rather than the specialised, thematic focus common for today’s historical research. The latter did so when it pertained to the issue of committees and expertise: H. R. G. Greaves, *The League Committees and World Order: A Study of the Permanent Expert Committees of the League of Nations as an Instrument of International Government* (London: Oxford University Press, 1931). On appraisal, see Susan Pedersen’s foreword in: Jackson and O’Malley, eds. *The Institution of International Order*, ix-xvi.

²¹ For example, see: Ludovic Tournès, “American Membership of the League of Nations: US Philanthropy and the Transformation of an Intergovernmental Organisation into a Think Tank.” *International Politics* 55, no. 6 (October 12, 2017): 852–69. Leonie Holthaus and Jens Steffek. “Experiments in International Administration: The Forgotten Functionalism of James Arthur Salter.” *Review of International Studies* 42, no. 01 (January 2016): 114–135.

Imperial internationalism

This thesis takes imperial internationalism as a framework in order to grasp the League's use of the inquiry technique that often saw the entanglement of different legacies. Imperial internationalism can be defined as the coalescence of the aspirational politics of inter-war international organisation with the continued existence of imperial interests and colonial politics. The League of Nations organisation, with its international expertise, technical cooperation and pioneering work in the institutionalisation of global order, cannot be seen as separate from the ideational and political tenets of the historical context in which these developments took root. Previously, Daniel Gorman has utilised the framework in discussing the British Empire and its Dominions during the 1920s, but the framework has a wider applicability and can illuminate the interaction between international organisation and imperial politics for the wider League experiment.²² Mark Mazower's work on empire, civilisational hierarchy and internationalism reinforces the fact that the international order created after the First World War was less linked with liberalism and progress than with 'the question of empire and the visions of global order that emerged out of the British Empire'.²³

The imperial internationalist framework contextualises the inquiry technique within this multi-faceted historical context of the organisation. The League of Nations' formal adherence to progressive ideals, such as 'New Diplomacy', rational and transparent means to conduct international politics is set against the imperial interests of major powers and the Victorian norms that prevailed among the League's representatives.²⁴ For instance, the international law

²² Gorman, *The Emergence of International Society in the 1920s*, 11, 50-51.

²³ Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009), 14. Mark Mazower, "An International Civilization? Empire, Internationalism and the Crisis of the Mid-Twentieth Century," *International Affairs* 82, no. 3 (May 2006): 553-66. Also see Zimmern's depiction of the League as the 'third British Empire': Alfred Zimmern, *The Third British Empire: Being a Course of Lectures Delivered at Columbia University* (New York, London: Oxford University Press, 1926).

²⁴ Although Victorian bears a distinctly British stamp, it is meant here to signal a set of moral codes and views shared with other European representatives. These comprised strict social rules, a condescending attitude towards non-European cultures and races and the view that liberalism could go together with colonial and imperial rule. Duncan S. A. Bell, "Empire and International Relations in Victorian Political Thought," *The Historical Journal* 49, no. 1 (2006): 281-98.

that underscored the political order was permeated by a civilisational hierarchy: the architects of the League had envisioned it as a type of commonwealth adapted to the world stage, yet characterised by a structural inequality identical to one that had existed before 1914 in relations between the European powers and the rest of the world.²⁵ Although the League represented a step away from direct imperial exploitation and colonial rule – palpable in the mandates system – that had marked the previous century, much of the organisation’s workings and modalities were still conditioned by an imperial, even racialised order.²⁸ Recently, Miguel Bandeira Jerónimo has accentuated the centrality of the League in imperial internationalism that characterised the inter-war period: ‘The League of Nations and its institutional regime constituted, promoted, and continuously conditioned a new imperial geopolitical landscape. The League also fostered renewed idioms and repertoires of imperial legitimacy, a renewed imperial moral economy.’²⁹

Because of its belief in the technocratic potential to change the conduct of international politics and the introduction of a scientific spirit in international administration, the League of Nations was by some measure a transformational actor for inter-war internationalism. Yet many of these innovations and attempts to introduce objective knowledge and a greater degree of impartiality in diplomacy and the means to create a more closely knit global community, took root in ideas of civilisational progress and scientific methods developed in the context of colonial administration, which through evolutionary developmentalism also sought to prolong the existence of imperial political structures through international cooperation.³⁰ How sincere was the adherence to impartial fact-finding if it was not equipped with the procedures and means to achieve it? For

²⁵ Jennifer Pitts, *Boundaries of the International: Law and Empire* (Cambridge, Massachusetts: Harvard University Press, 2018). Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870 - 1960* (Cambridge: Cambridge University Press, 2010). Also see: Mark Mazower, *No Enchanted Palace*, Chapters 1 and 2.

²⁸ This also concerned its ‘investigative modalities’ as per: Bernard S. Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton: Princeton University Press, 1996), 5.

²⁹ Miguel Bandeira Jerónimo, “A League of Empires: Imperial Political Imagination and Interwar Internationalisms.” In *Internationalism, Imperialism and the Formation of the Contemporary World*, eds. Miguel Bandeira Jerónimo and José Pedro Monteiro (Cham: Palgrave Macmillan, 2018) 87–126.

³⁰ For evolutionary developmentalism see: Allan, *Scientific Cosmology and International Orders*, 181-183. Helen Tilley, *Africa as a Living Laboratory: Empire, Development, and the Problem of Scientific Knowledge, 1870-1950* (Chicago: University of Chicago Press, 2011). Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).

instance, a discursive adherence to national sovereignty, rational politics and scientific progress did in practice not always extend to matters of international administration and engagement with the non-Western world. Hence, the gap created between, on the one hand, the potential of rational international politics and truth seeking, and on the other hand, the reality of power politics based on imperial and civilisational hierarchies, makes it crucial to the study of the League's engagement with its contemporary world. Arguably, the overlaps and fusions between imperialism and internationalism structured the activities and outcomes of the organisation. Within this gap, inquiry commissions appear as particularly relevant to grasp the prevalence of imperial internationalism and how the multiple legacies of the League, as identified in the historiography, have fluid boundaries and even appear as intertwined: elements of 'technical work', expertise and rational fact-finding present part of the inquiry technique grew entangled with issues of high diplomacy, imperial modes, idioms and language repertoires as well as a far-reaching civilisational standard.³¹

The wider history of international organisation and League historiographical context is therefore relevant to the subject at hand: it exhibits inquiry commissions' significance in the relationship between knowledge and politics, meanwhile placing them on the fault line between scientific progressivism and a Victorian (by extension European) notion of a civilised international society that was prevalent during the inter-war years. The League's outlook constituted an amalgam of, on the one hand, technocratic means to transform politics and society and, on the other hand, a belief that empires still provided the fabric through which development could be achieved – thereby surpassing the apparent duality of imperial internationalism. Empire, both in a political and economic sense, was evident in the way in which the world was kept divided between strong and weak powers. The League was envisioned as a global commonwealth – with the European 'civilised' states at the core of this international society – and even in the individual agents that

³¹ Gerrit W. Gong, *The Standard of "Civilization" in International Society* (Oxford: Clarendon Press, 1984). Andrew Linklater, *Violence and Civilization in the Western States-Systems* (Cambridge: Cambridge University Press, 2016). Martin Thomas and Richard Toye, eds. *Rhetorics of Empire: Languages of Colonial Conflict After 1900* (Manchester University Press, 2017).

populated and worked in the international realm – with attitudes steeped in a strict morality or gained by work experience in colonial administration and other imperial fields.³²

Imperial internationalism was prevalent and part of the League's fabric; its ambiguities conditioned the use of the inquiry technique to investigate inter-state issues but also were reproduced in the practices by the commissioners on the ground. For inquiry, imperial internationalism meant a source of tension that pitted quixotic declarations of impartial fact-finding against both the diplomatic exigencies of major powers and the structural limitations of these nominally independent international investigatory bodies. Overall, despite their perceived status in dealing with issues of war and peace, moments of crisis or scandal, inquiries were largely left as flexible instruments, ad hoc in nature, with little of a procedural blueprint, sometimes at the will of the League's political organs and member countries, but also dependent on the individual qualities of the recruited commissioners. Was the flexible character of inquiry a deliberate choice or did it fit a precedent set in previous times? To explain and contextualise such characteristics of inquiry commissions, i.e. the discrepancies, requires an understanding of their historical origins, at the domestic and international level, and their distinctive position within the institutionalised structure and ideational thinking about the League of Nations.³³

Structure and aim of the thesis

The thesis proceeds in studying the development of inquiry under the auspices of the League and examines its use in several, thematically distinct case studies, to demonstrate inquiries' work and overall effectiveness in dealing with inter-state disputes and other issues of international concern. This cross-thematic focus on institutional factors, fact-finding agents and the historical context through distinct case studies is chosen deliberately, as it enables a comprehensive grasp

³² Cohn, *Colonialism and Its Forms of Knowledge*. Michael D. Callahan, *A Sacred Trust: The League of Nations and Africa, 1929-1946* (Brighton: Sussex Academic Press, 2004). Jackson, Peter. "Pierre Bourdieu." In *Critical Theorists and International Relations*, eds. Jenny Edkins and Nick Vaughan-Williams, (New York, N.Y.: Routledge, 2009), 102–13..

³³ J. H. Leurdijk, "Fact-Finding: Its Place in International Law and International Politics." *Netherlands International Law Review* 14, no. 02 (June 1967): 141-161. Christian Henderson, ed., *Commissions of Inquiry: Problems and Prospects* (Oxford: Hart Publishing, 2017).

of inquiry as a technique, i.e. whether any coherent facets can be drawn from the League's examples and what inquiry signifies for the relationship between knowledge and international politics (and how it developed throughout a period when empire coincided with the growth of international organisation).³⁴ Whereas domestic and colonial examples of inquiry commissions have been studied in detail, with explicit attention to inquiry's relationship vis-à-vis the (colonial) state, no similar work has been undertaken for its League counterparts.³⁵ Domestic inquiries had an intricate relationship with the state, whereas international inquiries were constituted in a multi-level field of competing political interests.³⁶ What place was there for inquiry in an international arena composed of international bodies, member states and local agents? Unlike inquiry that was part of a judicial dispute settlement process at The Hague Permanent Court of Arbitration, the elaborate use of fact-finding methods by the League of Nations was created to interact with a political decision-making process.³⁷ Structural and contingent constraints emanated from the choice to politicise the use of inquiry within international organisation, which opens the example of the League up to a range of crucial questions of historical relevance, that address the nature of truth and the role of expertise within international politics.

Therefore, the general aim of the thesis is to comprehend the tensions that were replicated within inquiry commissions and what these tensions convey about the League's transformative aspiration for international politics. Thereby, imperial internationalism is taken as a frame to

³⁴ Although long-term perspectives on this relationship remain understudied, there are contemporary examples such as: Thomas Pfister and Anna Horvath. "Reassessing Expert Knowledge and the Politics of Expertise." *Innovation: The European Journal of Social Science Research* 27, no. 4 (October 2014): 311–16. Regarding the interaction between knowledge and the field of International Relations from a historical perspective, see: Bentley B. Allan "From Subjects to Objects: Knowledge in International Relations Theory." *European Journal of International Relations*, November 23, 2017, 841–864.

³⁵ See the next chapter. Also: Adam Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa* (Oxford: Clarendon Press, 1990). B. Lauriat, "'The Examination of Everything': Royal Commissions in British Legal History." *Statute Law Review* 31, no. 1 (April 1, 2010): 24–46. Berber Bevernage, "The Making of the Congo Question: Truth-Telling, Denial and 'Colonial Science' in King Leopold's Commission of Inquiry on the Rubber Atrocities in the Congo Free State (1904–1905)." *Rethinking History* 22, no. 2 (April 3, 2018): 203–38.

³⁶ Here I refer to Sandrine Kott's notion of international organisations being heuristic objects, to talk about 'tensions at work between the international, national, and local scenes and frames of reference': Sandrine Kott. "International Organizations – A Field of Research for a Global History." *Zeithistorische Forschungen/Studies in Contemporary History*, Online-Ausgabe, 8, no. 3 (2011): 449.

³⁷ van den Herik, "An Inquiry into the Role of Commissions of Inquiry in International Law." *Chinese Journal of International Law* 13, no. 3 (September 1, 2014): 507–37.

comprehend how its characteristics and effects were perceptible at the granular level, namely within the League's fact-finding bodies. The tensions are identified here as structural factors related to three dimensions: institutional, contextual and agential. First, the League's inquiry technique had patchy institutional underpinnings, with few guidelines and standardised practices, outcomes that were difficult to measure, and no means to directly enforce recommendations. Second, the historical context of inter-war international politics, with its multi-level power dynamics and competing interests, both enabled and constrained softer forms of tutelage that were tried through international expertise. Third, commissioners had a crucial role as both subjects and agents in the knowledge production process, which in turn could drive forward or hamper the assignment. Agency played a part, as commissioners' attitudes, choices and backgrounds informed the fact-finding assignments, although, as the case study chapters will show, this capacity to act was also found in how local and national actors in countries responded to and gamed international inquiry initiatives.³⁸

These dimensions, set out in more detail in the next chapter, explore to what degree inquiry was significant as an instrument in introducing a more rational approach in the political decision-making process of the League – its significance touching upon formal aspects (i.e. whether its tasks and general ambition of truth seeking were met). Equally, these dimensions identify the impact that inquiry had on shifting international politics away from power brokering between multi-level actors towards ideals of truth seeking and good governance. The thesis not only seeks to understand the conditions of knowledge production on the ground, but also how inquiry sought to use gathered facts to mediate and recast discussion within the League's political organs.

The League of Nations' inquiry commissions sought to achieve impartial fact-finding and a wider transformation of international politics through rational means, but were constrained by the institutional, ideational and political context in which they operated. The thesis argues that some

³⁸ On countries gaming the international system, one should note the similarities with other historical periods. See for example: Matthew Connelly, *A Diplomatic Revolution: Algeria's Fight for Independence and the Origins of the Post-Cold War Era* (New York: Oxford University Press, 2003).

of its unachieved potential may have been because of a disconnect between fact-finding and decision-making, arguably one that was created for intentional purposes: it is observed in the fact that inquiries were established and retained as a flexible technique throughout the League's existence, with few procedural guidelines developed over time. Inquiries almost always targeted countries that fell outside of a core group of 'civilised' European states – fact-finding was primarily a tool to expose failure of governance in weak states or in geographical areas that were contested by multiple nations and empires. When inquiry reports were submitted to Geneva for consideration and deliberation, the recommendations and solutions identified by commissioners were often side-lined by the League's political bodies. Rather than uncovering 'the truth', the inquiry technique was relied upon because it gave additional time for diplomatic consultation or helped to avoid a direct clash between major powers. In these instances, the imperial horizon with its civilisational hierarchy and power dynamics remained fully in play.

However, the case studies that are explored in this thesis indicate that in addition to a set of constraints on its transformative capacity, in its means inquiry appears as a hallmark for attempts to introduce technocracy as an important cornerstone to international politics during this period. The usage of fact-finding methods, with experts sometimes serving as incidental diplomats or performers looking for 'knowledge authenticity' on the ground, coincided and reinforced a long-term development that replaced direct imperial influence through military and economic means, with 'soft power' tools that more readily encouraged development and reform – modelled as 'civilised' tutelage over the non-Western world.³⁹ In this sense, League inquiries helped to pacify domestic and cross-border conflicts, but indirectly also provided agency to weaker states to defend their case (and their precarious sovereignty) on the international stage. As regards knowledge production, some of the language of impartiality only went surface deep; underneath,

³⁹ See for example: Sean Andrew Wempe, "From Unfit Imperialists to Fellow Civilizers: German Colonial Officials as Imperial Experts in the League of Nations, 1919–1933." *German History* 34, no. 1 (March 2016): 21–48. With regard to politics and performance, see: Berit Bliesemann de Guevara, "Intervention Theatre: Performance, Authenticity and Expert Knowledge in Politicians' Travel to Post-/Conflict Spaces." *Journal of Intervention and Statebuilding*, December 5, 2016, 1–23.

it reinforced the idioms and registers of imperial imagination and continued the use of a civilisational standard in international politics. Yet, the case of League inquiries aids to retrace the origins of scientific discourse within the liberal international order and to uncover its ideological underpinnings.⁴⁰

The novelty of the thesis is first of all found in its cross-thematic approach to the League of Nations. It focuses on the practices and outcomes of inquiry commissions as an expression of knowledge production within international politics, framing it as a structural phenomenon embedded in a highly politicised context, which helps to further disentangle the wide scope and range of activities conducted by the League during its time and existence. Through a broad case study selection, it seeks to overcome existing historiographical and thematic barriers in the academic scholarship on the League – and to present a multi-level perspective on the organisation and its engagement with world politics that is not dependent on source material originating from one League section (for example, disarmament or mandates), level of analysis (local, national or international) or type of international action. An additional contribution can be identified in the fact that it shows with the use of empirical evidence the myriad entanglements and ambiguities of imperial internationalism during the inter-war period. In other words, it confirms the view that ‘technical work’ can never be taken for granted as free from value-laden idioms and repertoires. The imperial context and civilisational thinking at the origins of inquiry at the international level shaped long-term patterns of socio-political change and has ongoing implications for international expertise and intervention in the present day – as human rights’ inquiries by the United Nations (UN) demonstrate.⁴¹

⁴⁰ Berit Bliesemann de Guevara and Roland Kostić. “Knowledge Production in/about Conflict and Intervention: Finding ‘Facts’, Telling ‘Truth.’” *Journal of Intervention and Statebuilding* 11, no. 1 (January 2, 2017): 1–20. Henderson, Christian, ed. *Commissions of Inquiry: Problems and Prospects*.

⁴¹ Andrew Linklater. “The ‘Standard of Civilisation’ in World Politics.” *Human Figurations* 5, no. 2 (July 2016). Harwood, Catherine. “Navigating between Principle and Pragmatism: The Roles and Functions of Atrocity-Related United Nations Commissions of Inquiry in the International Legal Order.” Doctoral Thesis, Leiden University, 2018.

The structure of the thesis is organised as to provide a thorough understanding of inquiry as a technique, its historical origins at the domestic level but also within colonial settings, before its adaptation by international bodies, as a means of dispute settlement and subsequently a wider array of subjects under the auspices of the League of Nations. A general chapter sets out the framework of inquiry, to understand its meaning and purpose – how and why the League relied upon it – and relevant conceptual approaches that enable a comparative perspective of the case studies. This chapter also describes in more detail the rationale behind the case study selection as well as some methodological considerations. The next four chapters deal each separately with a case study of a League inquiry commission that explores the historical context of each international issue that gave way to an investigation. The following cases are presented in a chronological order: opium production in Persia, slavery and forced labour in Liberia, the Sino-Japanese dispute over Manchuria and the conflict fought by Bolivia and Paraguay over the Chaco region. The four case studies were chosen on a representative basis, covering a longer temporal range (from 1925 to 1934), different geographical areas (Central Asia, West Africa, East Asia and South America), discrepancies in size and thematic focus (most importantly, the inclusion of non-dispute related issues). The representation of four relatively distinct case studies permits the tracing of institutional and methodological developments across time and between regions, as well as to examine whether ‘technical’ investigations were subjected to a different degree of politicisation and diplomatic pressures. For the purpose of comparison, each case study chapter has an identical structure, comprising the origins of the issue, the catalyst(s) for the investigation, the establishment of the commission, the investigation on the ground and the report-writing, with a consideration of the aftermath – the impact of inquiry on the political decision-making process – at the end. Despite the specificity of each historical case, this facilitates the identification of elements of similitude and difference between the four inquiry commissions, and structures the empirical material drawn out in support of the thesis’ argument and the three dimensions through which the argument is explored in detail.

Approach and sources

International history represents the dominant disciplinary approach in the conduct of the empirical research that underpins the findings of the thesis. However, for its exploration of questions of knowledge production, the thesis has also explored International Relations (IR) literature and relevant articles from cultural anthropology.⁴² Within IR, most writing on conflict and expertise has been framed around case study examples from the 1990s and onwards, whereas this thesis has deliberately chosen to address similar questions using a more historical setting.⁴³ The framework of imperial internationalism only emerged after an inductive analysis of the source materials and could not have been sharpened without extensive reliance on the excellent work published in the fields of international law and (process) sociology.⁴⁴ Many different types of scholarship have therefore inspired and influenced the questioning and scope of the research, including their corresponding methodological toolkits. They have helped to conceptualise the subject and argument of the thesis but remain encapsulated within a historical approach.

The research for this thesis is primarily built upon the rich primary sources left by the League of Nations organisation and which are available for on-site consultation at the UN Library in Geneva.⁴⁵ In addition, archival research was conducted at multiple sites of ministries of foreign affairs, to gain a better sense of the role of former diplomats on inquiry commissions and the national interests at play within the League's fact-finding investigations. In addition, private papers and published materials were consulted for a majority of the people that were chosen to represent the League and conduct inquiry within the various commissions. Both the official and personal writings have provided an insight into the diplomatic exigencies of the task as well as

⁴² For an anthropological perspective on inquiry, see: Lori A. Allen, "Determining Emotions and the Burden of Proof in Investigative Commissions to Palestine." *Comparative Studies in Society and History* 59, no. 02 (April 2017): 385–414.

⁴³ Guevara, Berit Bliesemann de, and Roland Kostić. "Knowledge Production in/about Conflict and Intervention: Finding 'Facts', Telling 'Truth'," 1–20.

⁴⁴ Adam Ashforth, "Reckoning Schemes of Legitimation: On Commissions of Inquiry as Power/Knowledge Forms." *Journal of Historical Sociology* 3, no. 1 (March 1990): 1–22. Koskenniemi, Martti. *The Gentle Civilizer of Nations*.

⁴⁵ An overview of all consulted archives can be found in the bibliography of the thesis.

the emotional and bodily experiences of the protagonists – detached from home for a longer period of time.⁴⁶ Diaries were a fruitful source of information to draw out insights structured around questions of body, race and gender.⁴⁷ Taken together with the relevant historiographies on the League, international narcotics regimes, forced labour and humanitarian imperialism, Sino-Japanese relations and border disputes in South America, these depict a rich, often multi-layered and complex scene where the League's international *raison d'être*, as the main authority for matters of war and peace, collided with national and imperial interests, domestic forms of political contestation and commissioners' personal agendas that contradicted aspirations of truth seeking and impartial fact-finding.

⁴⁶ For this particular reason, the 'cultural turn' and its aftermath has been of importance: Patrick Finney, "Narratives and Bodies: Culture beyond the Cultural Turn." *The International History Review*, February 27, 2018, 1–22. Zara Steiner, "On Writing International History: Chaps, Maps and Much More." *International Affairs* 73, no. 3 (July 1997): 531–46.

⁴⁷ Tracey Rizzo and Steven Gerontakis. *Intimate Empires: Body, Race, and Gender in the Modern World* (New York: Oxford University Press, 2016). Elizabeth Prevost, "On Feminists, Functionalists, and Friends: Lobola and the Gender Politics of Imperial Trusteeship in Interwar Britain." *The Journal of Modern History* 89, no. 3 (September 2017): 562–600. Madeleine Herren, "Gender and International Relations through the Lens of the League of Nations (1919-1945)." In *Women, Diplomacy and International Politics since 1500*, eds. Glenda Sluga and Carolyn James (London: Routledge, 2016), 192–201. Robert Vitalis, *White World Order, Black Power Politics: The Birth of American International Relations* (Ithaca: Cornell University Press, 2015).

2: The League of Nations and its Commissions of Inquiry

In search of a purpose and an approach

‘The inquiry of truth, which is the love-making, or the wooing of it, the knowledge of truth, which is the presence of it, and the belief of truth, which is the enjoying of it, is the sovereign good of human nature.’
(Francis Bacon, “Of Truth”, 1625)

‘Public inquiries are intrinsically controversial.’
(Jack Simson Caird & Mark Sandford, *Public Inquiries*, 2016)

In politics of the modern era, fact-finding has played its part in decision-making and governance, whether at the level of the state or in an international environment. The League of Nations, as an experiment of a universalist organisation for the preservation of peace and the support of international cooperation, was no exception to this. However, the League would give development to its own form of inquiry as a technique, in form and functioning different from its precedents, embedded in an aspirational agenda to transform the conduct of international politics. To grasp these developments at the international level and before exploring inquiry through a number of empirical case study chapters, this section sets out the main characteristics of inquiry in the sense of a fact-finding investigation, what role it has played in the past and how its practices correspond to the political and ideational context of the time-period.

The domestic origins of inquiry and its application in imperial and colonial contexts will help to elucidate the question why inquiry became such a popular and often used tool by state authorities and administrations to tackle the failings of policy and investigate societal problems. The characteristics, value and limitations of inquiry are explored through a number of categories identified in the legal scholarship on fact-finding investigations, a discipline that has taken a closer interest in inquiry’s unique position, neither legal nor political, and nominally independent from courts and government. In contrast, innovations of inter-state dispute resolution at the international level placed inquiry closer into the remit of courts – in both form and procedures – although it generally retained its flexible character. When the League joined the cause of international inquiry after the First World War, a great number of precedents and forms were

available upon which it could base its technique, although the organisation refrained from clearly choosing one blueprint. Rather, it adjusted inquiry to suit a wide range of international issues, such as disputes, trade and trafficking, social relations and border delineation.

Inquiry became a regularly used tool for the League because, on the one hand, it both matched the aspirational agenda to introduce a greater role for expert knowledge in international politics and on the other hand, it was flexible enough to meet the pragmatic needs and interests of officials, diplomatic representatives and major powers, to protect the status quo of the international system, to appear as taking decisive action but in practice to buy additional time in coming up with solutions. The chapter paves the ground for an in-depth exploration of inquiry in different thematic contexts, by elaborating on the conceptual underpinnings of the three dimensions by which the technique of the League can be understood and its use can be explained in the context of inter-war imperial internationalism: it addresses the clash between the transformative aspirations and tensions reproduced in the institutional limitations, contestation and power politics as well as the role of agency within international politics. These conceptual explorations are coupled with a brief treatment of commonalities and differences identified in the case study chapters and result in a brief reflection on the place of inquiry within the wider history and narratives of the League experiment.

Origins and development of inquiry

History and inquiry have a long-standing relationship. The Greek word for history (*ἱστορία*) may be translated as inquiry, and the act of inquiring – a search for information through questioning and interrogation – often lays claims to historical truth. Inquiry as a form of investigation predominantly is concerned with facts and events that occurred in a recent past.⁴⁸ Although history and inquiry are a closely interested pair, a general history *of* inquiry is yet to be written. This is neither for lack of forms of inquiry nor a small number of case studies; inquiry has

⁴⁸ A broad but practical definition of inquiry can be found in Théo Boutruche's work: 'a "method of ascertaining facts" through the evaluation and compilation of various information sources.' Quoted in: Harwood, "Navigating between Principle and Pragmatism," 6.

appeared in ancient and contemporary times, both in the domestic and international realm, as a term to signal the investigation and collection of information about a specified problem. Inquiries are established because they serve a purpose; their ability to frame societal problems means they should be considered as knowledge producers in their own right. However, inquiries take many official forms: for instance, in a domestic setting, they could be royal commissions, public inquiries or parliamentary tribunals.⁴⁹ The sheer abundance of investigations has hindered a comprehensive and longitudinal study of the inquiry phenomenon. As Lauriat observed, ‘their very diversity and complexity render generalisation, or even comparison, challenging.’⁵⁰ Their diverse appearance, whether intentional or not, provides a reason to study them in their detail. To comprehend the League’s use of the inquiry technique, it is crucial to look at examples set before its existence and producing knowledge in different contexts, to categorise and draw out inquiry’s characteristics, remit and matters it is concerned with.

Historical sources have little to say about inquiry in ancient times, but the notion of inquiry in an *institutional* sense, as a commission or investigative body, appears in medieval and early modern Europe.⁵¹ Royal commissions of inquiry are the oldest known examples: they were created by the executive branch of government as ad hoc and independent bodies to investigate and report on issues of public concern.⁵² The commissions were used first in England, even though there is little agreement about their age and early development: some scholars go back as far as the Domesday Book as an example of an ‘information gathering exercise for taxation’ that would strengthen the authority of the king, while others situate the first commissions in the sixteenth century.⁵³ At times, inquiries took the shape of a court, although their function was inquisitorial rather than

⁴⁹ For reasons of brevity, this thesis does not touch upon cases of truth and reconciliation commissions, which also relate to issues of fact-finding but are more geared towards past events as well as questions of memory and transitional justice. See: Robert I. Rotberg and Dennis Thompson, *Truth v The Morality of Truth Commissions* (Princeton: Princeton University Press, 2010).

⁵⁰ Lauriat, “‘The Examination of Everything’,” 24.

⁵¹ In some circumstances they are also known as inquests or *enquête* in French.

⁵² Macdonald, Roderick Alexander. “An Analysis of the Forms and Functions of Independent Commissions of Inquiry (Royal Commission) in Canada.” Montreal: McGill Faculty of Law, 2011, 5.

⁵³ Citation from: George Gilligan. “Royal Commissions of Inquiry.” *Australian & New Zealand Journal of Criminology* 35, no. 3 (December 2002): 290. Thomas J. Lockwood, “A History of Royal Commissions.” *Osgoode Hall Law Journal* 5, no. 2 (1967): 172–209.

adversarial: the aim was to conduct an investigation and settle matters of fact, rather than act as a referee between parties presenting their own evidence.

Notwithstanding precedents during the *ancien régime*, the widespread use of inquiry as an instrument of (state) authority is a distinctly modern phenomenon: in the nineteenth century, nation-states and empires increasingly relied upon investigative bodies to study questions of a socio-political and societal nature. This trend continued in the twentieth century, although the work of inquiry shifted increasingly from royal commissions to departmental and parliamentary committees.⁵⁴ For the United Kingdom, David and Gareth Butler compiled a list of royal commissions, tribunal inquiries and ‘an arbitrary selection from the 1,000 or so *ad hoc* and statutory Committees of Inquiry appointed since 1900’ which takes up several pages.⁵⁵ The overview confirms how at each year of the twentieth century, there was some form of inquiry underway in the UK, investigating and reporting on issues related to unemployment, civil service, the press, standards of conduct in government and the police. Scrutiny also extended itself to the British empire and all overseas territories, as the government appointed inquiry commissions to study subjects such as hospitals in South Africa, opium in India, political unrest in Palestine and the possible union between Rhodesia and Nyasaland. Thus, inquiry turned into a facet of imperial and colonial administration; it became a prevalent technique to interact and structure the relationship between the imperial rulers and the subjected populations.⁵⁶ In general, investigative bodies permeated modern politics and were a vital component in the governance and administration of society as well as the imperial polity.⁵⁷

⁵⁴ Jack Simson Caird and Mark Sandford. “Statutory Commissions of Inquiry: The Inquiries Act 2005.” Briefing Paper. London: House of Commons Library, January 30, 2018.

⁵⁵ David Butler and Gareth Butler. *Twentieth-Century British Political Facts: 1900 – 2000* (Basingstoke: Macmillan, 2005), 315. The entire list can be found on pages 316-319.

⁵⁶ See for example: Ronen Shamir and Daphna Hacker. “Colonialism’s Civilizing Mission: The Case of the Indian Hemp Drug Commission.” *Law and Social Inquiry* 26, no. 2 (April 2001): 435–61.

⁵⁷ Ann Laura Stoler argues that inquiry commissions enjoyed popularity among colonial authorities, as instruments to frame societal issues, sometimes to distract and delay, but in general to control the circulation of knowledge. From: Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*, 30.

In the United Kingdom legislation was enacted to regulate their practices, methods, and output throughout the nineteenth and early twentieth century. For instance, the Tribunals of Inquiry Act (1921) and the recent UK Inquiries Act (2005) are major pieces of legislation regarding inquiries. At some point, even the idea of inquiry was subjected to its own inquiry, as the Royal Commission on Tribunals of Inquiry report from 1966 bears witness.⁵⁸ Contemporary legislation has increasingly separated statutory inquiry (related to law) from non-statutory inquiry (based on precedent), although both forms are commonplace in the UK.⁵⁹ Despite the surge of public inquiries in recent years, royal commissions still retain their function and are therefore used as a common example here. Although the thesis only takes a partial perspective, primarily focused on the consulted literature from the English-language world, it is important to note that inquiry has been adopted and maintained in other countries.⁶⁰

In 1967, the Canadian scholar Thomas Lockwood noted that commissions were probably ‘one of the most used but least understood phenomena’.⁶¹ Since then, the historiography on domestic inquiry commissions has steadily grown, yet some of the basic questions about their formats, methods and purposes remain unresolved.⁶² As Rowe and McAllister have noted, ‘there are difficulties establishing a firm typology’ when it comes to inquiry commissions, because the ubiquity of investigatory commissions, committees and reviews ‘makes rigid categories of such inquiries relatively unhelpful.’⁶³ If neither a definitive history of inquiries is at hand, nor a firm

⁵⁸ “Royal Commission on Tribunals of Inquiry.” Royal Commission Report. London: Her Majesty’s Stationary Office, November 1966.

⁵⁹ Jack Simson Caird, “Public Inquiries: Non-statutory Commissions of Inquiry.” Briefing Paper. London: House of Commons Library, November 30, 2016.

⁶⁰ For example, in the context of France, there are examples of inquiry commissions concerning the revolutionary events of the year 1848 and the Panama affair of 1892. There was a Belgian inquiry into the atrocities committed in the Congo (see Berber Bevernage, “The Making of the Congo Question”). In Tchad an investigative body was set up to consider the crimes committed under the rule of Hisssein Habré.

⁶¹ Lockwood, “A History of Royal Commissions,” 173.

⁶² Many authors in the field have built their analyses upon this standard work: Hugh McDowall Clokie and J. William Robinson. *Royal Commissions of Inquiry. The Significance of Investigations in British Politics* (Stanford: Stanford University Press, 1937).

⁶³ Mike Rowe and Laura McAllister, “The Roles of Commissions of Inquiry in the Policy Process.” *Public Policy and Administration* 21, no. 4 (December 2006): 100.

typology⁶⁴ that breaks apart their activities, methods and outcomes, then how can the subject of inquiries be engaged with? In other words, how to investigate the role of the investigators?

The following paragraphs lay the groundwork to clarify why inquiries have been transformed into an often-used instrument by government, despite tensions that appear in their establishment and functioning. They are framed around often-cited categories of analysis in the scholarship, such as inquiry's independence, its ad hoc nature, the appointed membership, the role and reception of the report, the temporality and the durability of the phenomenon. These widespread characteristics pave the ground for a debate on investigative commissions, not limited to a formal description but also addressing inquiry's role as broadly as possible, with attention to purpose, impact and evaluation. Because the following section is meant to provide an initial frame of understanding for the League inquiries, the characteristics and examples introduced here are compared and juxtaposed to the League's use of the investigative technique – a more detailed framework is explored later in the chapter.

Among legal scholars there is general agreement that inquiry commissions have an *independent* character: although the executive branch of government may initiate it, an inquiry acts with a degree of autonomy from state authorities – arguably to strengthen their impartial credentials. Independence is often associated with impartiality, in the sense of being understood as a disinterested approach that is free of bias and based on objective facts.⁶⁵ This nominal independence is a straightforward principle that could explain why the idea of inquiry gained its popularity, as it allowed to investigate practices of government by persons detached from the work under scrutiny (i.e. acting in a personal capacity). However, legal research into royal commissions also has laid bare other aims that occasionally ran opposed to the principle of independence. In his evaluation of royal commissions, Gilligan emphasises the fact that they were

⁶⁴ For example, the typology in Henderson only relates to inquiry's function, not its institutional character: Henderson, *Commissions of Inquiry: Problems and Prospects*, 11.

⁶⁵ Contrary to a 'neutral' body, impartial fact-finding gives equal treatment but may lead an investigative body to take a certain stance on the basis of information it has gathered ('in favour of the truth'). Neutrality implies no such stance can be taken.

‘interwoven with constitutional struggles centred upon the royal prerogative’.⁶⁶ In other words, the upper echelon of power relied upon inquiry to protect and further its interests.

Monarchs used royal commissions to cement their authority over the population, although in the seventeenth and eighteenth centuries parliamentary supremacy curtailed this centralisation of power. In the nineteenth century, the popularity of royal commissions coincided with the system of modern cabinet government, when ministers found the autonomy of a commissions preferable over working through a parliamentary committee. Even though inquiries were supposedly kept at arms’ length from the executive, tension is evident from the fact they were reactively used to respond to crisis situations that could damage state legitimacy. In other words, their work sought to re-establish government authority over public controversies.⁶⁷ In the past, these weaknesses regarding independence have led to the critique that inquiries are bodies to mask government failure. Or, in the case of South Africa, Ashforth has suggested that inquiries were devices to express official discourse and legitimise the state.⁶⁸

The League’s fact-finding missions shared a similar adherence to independence in their establishment and practices. League inquiries were created upon request by representatives of member states to respond to situations of crisis and issues of international concern. A commissioner generally was designated by a country but expected to act in a personal capacity. Contrary to domestic inquiries, the relationship with a central authority was more diffuse. The investigations were organised under the auspices of the League and supported by the Secretariat but in practice were highly dependent on state cooperation and local agents to be allowed access and gather information. Similarly, League inquiries were not autonomous from the organisation’s political bodies: inquiries reported back to the Council or Assembly, who then decided whether and how to act upon the findings.

⁶⁶ Gilligan, “Royal Commissions of Inquiry,” 290.

⁶⁷ Gilligan, “Royal Commissions of Inquiry,” 293.

⁶⁸ Ashforth, “Reckoning Schemes of Legitimation,” 3.

A second characteristic is palpable in the *ad hoc* nature of inquiry commissions. An inquiry requires an identifiable problem or a crisis in government; an investigation is only set up when the need for one is warranted. Although the whole process of inquiry may take several years, eventually it is expected to report back and disband itself after the work is deemed to be completed. Because inquiry commissions are issue-based and ephemeral, they may reinforce the immediacy and urgency of a problem, steer public attention and controversy towards it, but also buy the government time to come up with solutions.⁶⁹ One tension that arises from this ephemeral nature is in the fact that inquiries rarely are masters of their own time: investigators have no control over the time-frame and are generally subject to instructions by the organising authority. When initial crisis recedes, the impetus and support for an ongoing inquiry may also diminish. Nevertheless, Gilligan argues that inquiries can also be established in 'a calm political environment', meaning they are more than simply 'crisis aversion' tools of government.⁷⁰

The ad hoc nature of inquiries implies that there generally are questions over the degree of control these bodies have over the assignment. As non-statutory bodies with no elaborate legal framework, the terms of reference are rarely negotiated and decided in public and do not involve the future members of a commission. Taking shape outside of the investigation, these terms can either liberate or restrain the ability to perform the task at hand. Different sets of terms of reference have created a major degree of disparity in terms of rationale, practices and outcome, much of the academic work has been on particular commissions rather than their general character. Although Rowe and McAllister note, 'the very appointment of a commission opens the possibility of the unexpected or the unwanted', the external negotiation of the terms of reference and the time-limited nature means that surprises are less likely.⁷¹ Moreover, inquiries retain little control over the issue they studied once they have submitted a report. Dust may quickly settle on

⁶⁹ Michael Warner, "Publics and Counterpublics." *Public Culture* 14, no. 1 (2002): 49–90. Oz Frankel, *States of Inquiry: Social Investigations and Print Culture in Nineteenth-Century Britain and the United States* (Baltimore: Johns Hopkins University Press, 2006).

⁷⁰ Gilligan, "Royal Commissions of Inquiry," 303.

⁷¹ Rowe and McAllister, "The Roles of Commissions of Inquiry in the Policy Process," 111.

their findings or they are routinely ignored in the policy process by those who instructed their establishment.

Because the ad hoc nature of inquiries touches upon many fundamental aspects of their functioning, it is a key feature to understand their work and impact on the decision-making process – with significance to the precedents set at the international level. In the case of the League, inquiries were ad hoc in the sense that there were no standardised guidelines: terms of reference were set with regard to the issue at hand. Moreover, they were set up when needed (i.e. a crisis or major cross-border issue) and disbanded when the assignment was deemed to be completed (i.e. the report submitted) – with little or no continued input by the commissioners in subsequent decision-making process.

Apart from the decision to organise an inquiry, the *appointment* of its members is a crucial decision to be taken by government or any other public authorities. Tensions surrounding the independence and ephemeral nature are reproduced here, as the search for appropriate candidates with a degree of expertise on the subject can yield different outcomes. At best, the organising authority would identify clear criteria for the membership, consider factors such as representation and detachment from politics and state authorities. At worst, it might seek to minimise political risk, try to steer the nomination process and ensure the ‘right’ findings through the selection procedure.

Inquiry commissions may carry a veneer of expertise but in reality, political considerations, practical concerns and contingency planning can guide the appointment process – a major cause for discrepancy between investigations. Scholarly voices have extensively questioned appointment processes for inquiries, perhaps best expressed by the view that ‘a government never holds an inquiry unless it knows what it is going to find’.⁷² In the case of royal commissions, lawyers and judges have predominated due to their legal background and intricate grasp of domestic law. Governments have generally opted also for former politicians or ‘men of stature’

⁷² Gilligan, “Royal Commissions of Inquiry,” 295.

(perhaps in the mirror image of the organising authority), who are past their career peak but familiar with the higher echelons of power.⁷³ Case studies reveal that carefully scrutinised investigators can still surprise authorities and expose systemic failures of government.⁷⁴ While impartiality, representation and expertise may not always be primary considerations, candidates can make use of the relative degree of autonomy provided during the assignment and continue to pursue their subject with vigour after the publication of a report.⁷⁵ In contrast, as paymasters the government authorities retain control over the entire process, including the powers assigned to the investigators, and are able to use financial arguments (cost control, expenses) to exert pressure on commissioners.

For the League of Nations, the question of appointment was complicated by the fact that nationality was a crucial factor to be considered, next to the appropriate experience and professional expertise of the candidate commissioners. The case studies will show how these could be weighed differently depending on the subject of the investigation. Because League appointments chiefly took place in negotiation or with the support of national authorities, the picture is once again complicated: while there was less scope for one authority to steer nominations, the composition of a commission was seen as one of diplomatic importance. While the League was driven by genuine concerns for accurate fact-finding, political considerations could play their part when the assignment was established to confirm what was already known – using inquiry as a means of pressure on a chosen country.

Inquiries also have to mediate between expectations and outcomes, turn their fact-finding potential into evidence of impact on the decision-making process, which is inherently linked to the *reception* of the findings. In almost all cases, inquiries disclose their conclusions in the form of a non-binding report, which is written on the basis of a consensus between the different members of the inquiry but has no direct legal effect. Internal disagreements may affect the

⁷³ *Ibid.*

⁷⁴ Bevernage, “The Making of the Congo Question,” 222-223.

⁷⁵ Rowe and McAllister, “The Roles of Commissions of Inquiry in the Policy Process,” 110.

findings: they can alter or dilute the identified problems and suggested solutions. Compromise or minatory views may ensue. Since inquiries have no coercive powers, there are no guarantees of political resolution after the report has been published. This is similar for domestic inquiries and examples at the League of Nations, although at the international level there are cases where an investigation is part of an arbitration ruling.⁷⁶ In general, however, inquiry is not meant to act like a court, it does not decide on binding measures nor does it render a judgment in the report. For these, inquiries are entirely dependent on the political will of the instituting authorities.

The limitations of implementation of inquiry's findings are most evident with regard to the public reception of an inquiry report: expectations are high, because of the possible condemnation of government policy and the apportion of blame. However, inquiries also risk confirming the government's actions. While they collect evidence and may give clarity over decision-making, they refrain from presenting the public with a clear verdict or any attribution of guilt. Despite inquiries' limited role as fact-finding bodies, hopes are raised that their reports will offer some form of justice and retribution, especially when it concerns delicate matters or in the aftermath of state failure. The Chilcot inquiry on the invasion of Iraq is a clear example of an investigation that created disparate expectations, from government responsibility to the question of war crimes. The Iraq inquiry, however, only investigated the case for war (including its legal basis), its preparation and planning, and abstained from any judgment of individual action.⁷⁷

In the past, domestic inquiries have created a set of expectations which led to major disparities in reception of the report. The perennial difficulty to meet these expectations may be due to improper communication about the assignment, the inquiry process and the possible outcomes. Nevertheless, there is a more general question of *evaluation* when addressing inquiry commissions: despite an extensive number of precedents and the growth of legal guidance, scholars rarely agree about common standards to evaluate the work and results of inquiries.

⁷⁶ See the next section on The Hague Court system.

⁷⁷ Patrick Porter. "Lest We Forget: Britain's Iraq Inquiry, and Why It Matters." *International Politics* 53, no. 6 (November 2016): 683–88.

Should standards be narrow, to the extent they only include measurable criteria, or should they seek to address the wider importance of an investigation? Is it sufficient to evaluate the quality of the work, both the investigative methods as the results, or does the value of an inquiry revolve rather around the impact it produces on the decision-making process and the incentive provided for reform? In one example, Lauriat suggests that the quality of the terms of reference, the suitability of its members, the effectiveness of procedures, the rigour of data collection and the impact of a commission are possible angles to evaluate an inquiry.⁷⁸

This thesis considers that the criteria suggested by Lauriat may fail to address other important questions: what motivated the establishment of an inquiry, how was its independence and impartiality guaranteed, and what transformative capacity did the produced knowledge have on politics and society? These questions touch upon the institutional position and roles assigned to inquiry, conditioned by historical factors – namely its relationship with the state, the structure of power and representation of interests. League inquiries were confronted with similar issues of evaluation, concerning the quality of the investigative reports and the impact they had on the decision-making process. As highlighted in the introduction and developed in the case study chapters, the imperial internationalist framework will aid to explain under what circumstances inquiry was organised, how questions of independence and impartiality were addressed and to what extent the League inquiry technique could live up to its potential to have a discernible influence on the decision-making process of the League’s political bodies.

Consideration should also be given to the time perspective inherent to inquiries. Domestic inquiries are different from truth and reconciliation commission because of a *temporal* dimension. In recent decades, ex post facto investigations have appeared in the context of regime changes and crimes against individuals and groups of people. In the case of victims and unresolved crimes, there is a perceived need for a commission to decide on a historical truth that

⁷⁸ Lauriat, “‘The Examination of Everything’,” 41-42.

may help a process of national reconciliation.⁷⁹ In contrast, inquiry commissions in their original form are created to investigate ongoing, sometimes urgent issues. In such cases, a sense of temporal detachment is not available, and questions of memory are not addressed. The purpose of inquiry is to expose continued failure and to inform and encourage better decision-making. While inquiry brings immediacy and urgency to the assignment, it can also render a commission's work sensitive if it risks a crisis of government or a diplomatic rupture at the international level.⁸⁰

Finally, arguably the most striking characteristic of domestic inquiries is the fact that a great number of them have been established in the past and hitherto continue to be created to address societal problems. While there is hardly unison on a fixed approach to research the inquiry phenomenon, most if not all scholars seem to agree on the ***durability*** of the use of investigations by states.⁸¹ Conventional causes cited are linked to the contribution they make to policy processes, outcomes and societal demands but this sits uneasily with the many tensions and shortcomings identified in the same scholarship. A similar observation about inquiry's ubiquity can be made about the international organisations, the UN in particular, which has continuously relied on fact-finding missions to bring violations of international humanitarian law to attention.⁸² Hence, this reinforces the question: why are inquiries an often-used technique, at the domestic level and replicated in the international realm, despite their somewhat opaque functioning and shortcomings in meeting the public's expectations? Tension regarding their independence, ephemeral nature and limited impact have not hindered their ubiquitous use by political agents.

⁷⁹ Onur Bakiner, *Truth Commissions: Memory, Power, and Legitimacy* (Philadelphia: University of Pennsylvania Press, 2016).

⁸⁰ Temporality may also be approached from a historical perspective, namely the documentary value generated by a commission which helps to understand past attitudes and perceptions of societal problems as well as the role of expertise in relation to administration and governance. Their biases and framing of 'problems' are a valuable information source to historians.

⁸¹ See earlier references to Rowe and McAllister, Lauriat, Clokie and Robinson, as well as Gilligan.

⁸² Sadat, Leila Nadya, L. J. van den Herik, and Catherine Harwood. "Commissions of Inquiry and the Jus Ad Bellum." In *Seeking Accountability for the Unlawful Use of Force*, ed. Leila Nadya Sadat (Cambridge: Cambridge University Press, 2018), 171-93. Liebllich, Eliav. "At Least Something: The UN Special Committee on the Problem of Hungary, 1957 – 1958." *European Journal of International Law* (Forthcoming), December 18, 2018.

On the one hand, it appears their ubiquity is rooted in the transformative potential they offered to state authorities to modernise, increase transparency and manifest executive action to address problems and societal failings – in theory, inquiry held the prospect of greater scrutiny and interaction between the public and its representative bodies. However, on the contrary, several of the tensions identified in the inquiry technique perhaps point towards a more salient reason for its continued existence: namely the fact that inquiry presented a convenient excuse to authorities not to address issues of administration in a direct manner. Inquiry was a means for the state to postpone decision-making: to create the impression of addressing public concerns, without having to take immediate action. By outsourcing the matter to an independent body, there was no immediate pressure to find an agreement or provide a list of solutions.

Following this line of interpretation, it becomes evident why it was beneficial for state authorities, especially in the early twentieth century, to have extensive control over the remit of an investigative process (through the terms of reference and the appointment of its members) but not to spell out clear procedures and fact-finding methods, nor to equip its commissions with any strong mechanisms of enforcement.⁸³ Governments could enjoy the advantage of additional time, without being burdened with any of inquiry's modalities nor having to accept its conclusions. Hence, the flexibility as a technique was both a blessing and a curse, as it rendered inquiry a popular tool but kept it closely knit to the upper echelons of power. Since then, both the guidelines and transparency of investigative bodies has been improved, to address some of these past failings but also to shift responsibility back to the authorities.⁸⁴

Inquiry at the League of Nations was confronted with a similar pattern of transformative potential and structural tensions that inhibited it from being a fully independent and strong mechanism to address inter-state dispute and failings of an international nature. In the choice of the subject of inquiry, the unwritten procedures and the limited input on the decision-making process, the

⁸³ The only exception to this, is the legal power to compel witnesses to give evidence.

⁸⁴ For example, the changes made under the Inquiries Act of 2005, which have increased standards of proof, transparency and expanded on the procedural details. See: Caird and Sandford, "Statutory Commissions of Inquiry".

architects of the League's inquiry technique may have equally perceived the same benefits as their state counterparts – the appearance of greater objectivity and rational inquiry but in practice not adequately supported to perform a detailed investigation. Before exploring this in more detail, however, other institutional dynamics are to be considered. From the international courts, a different type of inquiry came to be established – one of importance to both international law and world politics.

Inquiry and international law

The Hague Peace Conference of 1899 generated the first attempt to insert the idea of an inquiry commission at the international level. Older, sporadic examples of international inquiry are mentioned in the context of Latin America, namely the treaties concluded between states in the aftermath of the break-up of the Spanish Empire.⁸⁵ However, these treaties between American states only refer directly to reconciliation and mediation in relation to territorial demarcation and disputes.⁸⁶ Reconciliation and inquiry are both concerned with questions of fact, rather than questions of law: while they are considered as alternatives to (court) arbitration in the case of interstate disputes, they represent two different methods at resolving a disputed issue of fact. Although the American treaties are significant in their own terms, it is likelier that the inspiration for international inquiry has come from domestic precedents. In fact, at the Peace Conference it was the Russian delegation that suggested to replace national inquiry commissions by an international, impartial body as to avoid future conflicts over the interpretation of evidence.⁸⁷

Hence, The Hague Convention of 1899 is the first that clearly sets out inquiry's role as a system to settle disputes between states: the third part of the Convention, covering Articles 9 to 14, is

⁸⁵ For example, the *Tratado de Union, Liga y Confederación perpetua entre las Repúblicas de Colombia, Centro América, Perú y Estados Unidos Mexicanos*, 15 de julio de 1826 (Congreso de Panama, 1826). Hill alludes to several treaties in the context of inquiry: Norman L. Hill, "International Commissions of Inquiry and Conciliation." *International Conciliation* 15 (1932): 91-92.

⁸⁶ Jackson Harvey Ralston, *International Arbitration from Athens to Locarno* (Clark: Lawbook Exchange, 2004), 287.

⁸⁷ This may have been due to the unsatisfactory outcome of (national) inquiry in the Maine incident between the United States and Spain, as Merrills has argued: J. G. Merrills, *International Dispute Settlement* (Cambridge: Cambridge University Press, 2005), 46.

dedicated solely to the organisation of an investigatory body 'to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.'⁸⁸ The investigation was restricted to international disputes over questions of fact that involved 'neither honour nor vital interests', this to avoid the use of an inquiry commission to justify foreign intervention. For this mechanism, The Hague Convention rightly may be called 'the genesis of international commissions of inquiry as a new construct of dispute settlement.'⁸⁹

The Convention's provisions were applied for the first time after the Dogger Bank Incident of 1904, which took place during the war between Russia and Japan. An international commission of inquiry was established in Paris to investigate whether the Russian fleet's use of fire upon British vessels – supposedly mistaken for attacking Japanese torpedo boats – comprised a legitimate act of defence. The commission ruled after an investigation of the facts that the responsibility for the action had to be assigned to Russia – it was instructed to pay compensation for the victims. The Dogger Bank inquiry was significant because it served as an exemplary case of inquiry, even though in practice it combined the investigation with arbitration, as the commission expressed its opinion about the responsibility of the actions.⁹⁰

The second Hague Peace Conference of 1907 further developed inquiry as a dispute mechanism, with elaborations on the organisation and powers assigned to the commissions: the number of articles expanded from five to twenty-seven. The Dogger Bank incident had shown a degree of overlap with the role of an arbitration court, which required clarification. Although inquiry kept a number of institutional similarities with arbitration, for instance commission members were chosen in a similar manner, the 1907 Hague Convention clearly distinguished the inquiry technique from its alternatives (i.e. negotiation, arbitration and reconciliation). It specified that inquiry commissions would present a statement of facts and could not act as an arbitral ward. In

⁸⁸ "Hague Convention for the Pacific Settlement of International Disputes," Avalon Project, accessed 25 May 2018, art. 9, http://avalon.law.yale.edu/19th_century/pacific.asp.

⁸⁹ van den Herik, "An Inquiry into the Role of Commissions of Inquiry in International Law," 510.

⁹⁰ Yoshifumi Tanaka, *The Peaceful Settlement of International Disputes* (Cambridge: Cambridge University Press, 2018), 56-57.

addition, the report was not binding upon the concerned states, although the commission was obliged to make its report public.⁹¹

Attempts to downplay the legal dimension of inquiry did create some tensions in practice, as case study material after 1907 has revealed. In the years and decades following the Convention, there were four more inquiries⁹²: in some of these, the commission went beyond its fact-finding mandate and presented legal conclusions regarding the investigated facts. Likewise, in the example of the Tiger inquiry, a naval navigation dispute between Spain and Germany, the outcome was accepted as binding – contrary to what the Convention had prescribed. The case study material confirms that in effect inquiry served as a precursor (or in tandem) with arbitration. To add to the confusion, The Hague's Permanent Court of Arbitration administered and supported the majority of these fact-finding inquiries (through what is known as 'Optional Rules for Fact-Finding Commissions of Inquiry'). As van den Herik rightfully has argued, despite its autonomous statute 'inquiry thus formed an inseparable element of the arbitration procedure'.⁹³

Outside of the field of international law, the significance of The Hague Conferences and its court system for the institutionalisation of international politics tends to be underestimated.⁹⁴ It created a permanent machinery in the arbitration of disputes but also shaped much of the discussion about peace and disarmament in the next decades and laid the groundwork for future international courts. It was also significant for inquiry: The Hague's investigatory commissions exhibited a close alignment with the format and rationale of a judicial proceeding. This encroachment of the legal sphere onto fact-finding bodies has been the subject of intense

⁹¹ van den Herik, "An Inquiry into the Role of Commissions of Inquiry in International Law," 511. Ralston, *International Arbitration from Athens to Locarno*, 289. Hill, "International Commissions of Inquiry and Conciliation," 93.

⁹² These were: Tavignano (1911-1912), Tiger (1917), Tubantia (1922), Red Crusader (1962). Incidentally, all inquiries concerned interstate disputes at sea.

⁹³ van den Herik, "An Inquiry into the Role of Commissions of Inquiry in International Law," 515;; Also see: Tanaka, *The Peaceful Settlement of International Disputes*, 55-58.

⁹⁴ On this subject, see: Maartje M. Abbenhuis, *The Hague Conferences and International Politics, 1898-1915* (Sydney: Bloomsbury Academic, 2018).

scholarly debate: whereas Ralston saw the importance of inquiry to act as a 'safety valve' and give states time to regain composure and settle a dispute, others felt the quasi-arbitral function was inherently problematic.⁹⁵ Different from its domestic counterpart, inquiry in an international context was clearly intended to defuse situations that could escalate into inter-state hostilities. For Politis, this made it a 'parasite institution' that had the semblance of independence but effectively meant arbitration with a higher degree of flexibility.⁹⁶ According to Politis, this was due to the weaknesses present in other procedures; however, by aligning itself with judicial means and court proceedings, inquiry risked succumbing to similar problems that had plagued arbitration and mediation, namely limited flexibility and questions of independence.⁹⁷

Since the disputing parties could nominate part of the commissioners, complete neutrality was never a guarantee: political loyalties risked determining the outcome when an inquiry commission had to vote by majority for any decision.⁹⁸ Moreover, as Tanaka has noted, there was no certainty that the outcome of an inquiry commission would be accepted by the disputing parties and thus could lead to resolution.⁹⁹ Also, while the fact-finding and report-writing process may have acted as a safety valve, it slowed down the proceedings and the prospect of a swift agreement. Merrills concluded that inquiry's contradictory tendencies result in a 'worthwhile yet curiously ambivalent record', in his view because states were less interested in dispute settlement than winning the argument.¹⁰⁰

Even though The Hague's court system only produced a few cases of inquiry commissions, all of them on the narrow subject of incidents at sea, it set a direct institutional precedent for future international organisations. The Hague Conventions created a sense of familiarity with the use of inquiry as a mechanism to settle disputes in international politics. During the twentieth century,

⁹⁵ Ralston, *International Arbitration from Athens to Locarno*, 288. For a historiographical discussion, see: van den Herik, "An Inquiry into the Role of Commissions of Inquiry in International Law," 512.

⁹⁶ Nicolas Politis, "Les Commissions Internationales d'enquête." *Revue Générale de Droit International Public* 29 (1912), 149-150.

⁹⁷ van den Herik, "An Inquiry into the Role of Commissions of Inquiry in International Law," 512.

⁹⁸ Leurdijk, "Fact-Finding," 155.

⁹⁹ Tanaka, *The Peaceful Settlement of International Disputes*, 62.

¹⁰⁰ Merrills, *International Dispute Settlement*, 63

many other regional and international organisations as well as specialised agencies would implement a form of inquiry procedure, loosely informed by The Hague's system.¹⁰¹ Also non-governmental organisations engaged with the idea of inquiry commissions, such as the Carnegie Endowment for International Peace that launched an investigation into the causes and conduct of the Balkan wars.¹⁰² However, the picture for international inquiry remains incomplete: apart from domestic precedents and the Peace Conferences, there was another development at the international level that constituted a relevant part to the League's future use of inquiry: bilateral and multilateral arbitration treaties that relied upon inquiry as a permanent dispute-resolution mechanism.

Across the Atlantic, the American states had continued with their own experiments of arbitration agreements and mixed commissions, to settle disputes in the Western hemisphere and also with other countries.¹⁰³ This led to institutional developments such as the Central American Court of Justice concluded between seven American states in 1907. Of relevance to the history of inquiry, however, was the role played by the future President Howard Taft. The Taft presidency was instrumental in the negotiation of a set of arbitration agreements between 1909 and 1913 that would spur new ideas for international inquiry. Legal scholars, such as Van den Herik, have assumed that the Taft arbitration agreements of 1911 and the later Bryan treaties of 1913 were built upon The Hague's blueprint, however, this view overlooks an evolution of the inquiry mechanism that took place in the United States (US).¹⁰⁴

William Howard Taft had a legal career as lawyer, judge and solicitor general before he was elected President in 1908. He was a strong believer in the potential of international law and the settlement of disputes through arbitration. Before the first Hague Peace Conference, Taft was part of a committee for American Conference on International Arbitration that was instructed with

¹⁰¹ For an overview, see: Harwood, "Navigating between Principle and Pragmatism: The Roles and Functions of Atrocity-Related United Nations Commissions of Inquiry in the International Legal Order".

¹⁰² "Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars," Archive.org, accessed 15 December 2018, <https://archive.org/details/reportofinternat00inteuoft>.

¹⁰³ Ralston, *International Arbitration from Athens to Locarno*, Ch. 19-22.

¹⁰⁴ van den Herik. "An Inquiry into the Role of Commissions of Inquiry in International Law," 515.

the creation and promotion of a permanent system of arbitration between the US and Great Britain.¹⁰⁵ The early twentieth century, during the Theodore Roosevelt presidency, would see several attempts at negotiating bilateral arbitration treaties between the US and third countries. The Taft presidency, however, introduced a set of new ideas for the role of inquiry in the negotiation for arbitration agreements which palpably departed from The Hague's pre-existing model. In case there was a disagreement between parties over the justiciability (i.e. capable of being decided by legal principles) of a dispute, a joint high commission of inquiry would be established to investigate it.

The initially proposed treaties (known as the Knox Arbitration Treaties) expanded the scope of investigation to all types of inter-state disputes, including those that touched upon vital national interests (The Hague Conventions had left these out). The inquiry mechanism included the possibility to find facts but also make recommendations to the disputing parties. Finally, an inquiry would be able to force referral to arbitration upon the parties.¹⁰⁶ Another set of treaties (known as the Bryan Treaties, which were negotiated under the later Woodrow Wilson presidency) went further in some regards: although the treaties dropped the power of recommendation, they contained the suggestion to create permanent investigatory bodies to inquire into an unrestricted subject matter of inter-state disputes.¹⁰⁷ Wilson would later become one of the architects of the League, and although it is unclear to what extent the Bryan treaties inspired the League's use of inquiry as technique, it foreshadows the belief in the rational potential of fact-finding to transform politics.

At the time of the Bryan negotiations, in 1913, a sense of great expectations prevailed for the potential held by inquiry commissions in the settlement of disputes. Fact-finding was believed to be the missing step (or 'brake'), that would stop the immediate descent from peace into war. Although the possibility of conflict was not excluded, it would be based on the knowledge of what

¹⁰⁵ John E. Noyes, "William Howard Taft and the Taft Arbitration Treaties." *Villanova Law Review* 56, no. 3 (2011): 536.

¹⁰⁶ Merrills, *International Dispute Settlement*, 52.

¹⁰⁷ *Ibid.*, 53.

was disputed, as one contemporary described while using a medical analogy: 'the commission of inquiry may be held similar to the friendly consultation of the family physician, who tells the patient the facts in his case and leaves it to his good judgment whether or not he will call in the specialists.'¹⁰⁸ In the importance attached to facts in order to improve the conduct of international politics arguably lies a similar frame of thinking that would also inspire the League's agenda to put inter-state affairs on a more rational footing. Both the Knox and Bryan Treaties were never tested in practice: in the case of Knox the US Senate found the wide scope of the treaties to be unacceptable, for the Bryan treaties it was the lack of implementation after agreement that sealed their fate. However, several of the legal innovations had an influence on other arbitration treaties concluded in this period, between third countries, although there is no case material to substantiate how the treaties may have worked in practice.¹⁰⁹

The First World War meant a temporary setback for the many legal and institutional developments with regard to dispute settlement that had developed in the first decades of the twentieth century. After the war, the establishment of the League of Nations would present itself with another opportunity to (re)imagine instruments for the better conduct between states and the coordination of cross-border disputes. For now, it is useful to take stock of the developments relevant to inquiry as an institution and mechanism in domestic and international settings.

By the early twentieth century, governments and publics had grown familiar with the notion of inquiry, resulting from their regular appearance to investigate domestic issues and their use to elucidate the facts in high-profile incidents between states. Inquiries extended their remit with time: they opened up to virtually all matters of public concern within a domestic context. At the international level, after initial hesitation and a focus on disputes that involved neither honour nor vital interests, inquiries were adapted to address all types of incidents and causes for diplomatic frictions between states. Its potential for success was deemed to originate from its

¹⁰⁸ Denys P. Myers, "The Commission of Inquiry," *World Peace Foundation Pamphlet Series* 1913, no. 1 (1913): 24.

¹⁰⁹ Noyes, "William Howard Taft and the Taft Arbitration Treaties," 544. Merrills, *International Dispute Settlement*, 53.

apparent rational approach to international politics: to settle matters of war and peace strictly on the basis of facts.

However, the reality of inquiries proved to be more complicated than originally anticipated in those agreements that described their function as well as the commentaries lauding their bright prospects. Inquiry was not a legal device, yet it had a close relationship with the judicial branch of government or the international court system. Especially with international disputes, there was a strong temptation to link inquiry to existing procedures for arbitration. Alternatively, it was perceived as a catch-all mechanism to overcome deficiencies in other tested methods (such as conciliation, mediation and arbitration). The still developing inquiry technique risked losing its own identity in the institutionalisation of dispute settlement.

Tensions were exhibited in the way its nominally independent and ad hoc role was described but also in the appointment of commissioners and the granting of specific powers to make recommendations or referral cases to other bodies. By the time the League of Nations was established, there were different ‘models’ of inquiry to choose from, each with precedents, institutional overlaps, unresolved questions of remit and autonomy in practice. Rather than follow or copy a prescribed model, the League encouraged its own approach to the investigation of international issues but would be confronted with similar challenges and tensions that had plagued inquiry’s precedents.

Inquiry and the League of Nations

Between 1921 and 1935 the League organised nine¹¹⁰ inquiry commissions to investigate an issue of international concern and report back to the organisation. Although a couple of League inquiries received considerable press exposure, they take up less space and attention in international law than the precedents set by The Hague’s court system. Van den Herik only mentions the ‘territorial’ commissions that were organised as fact-finding missions for border

¹¹⁰ See Table 1 on the next page for an overview and explanatory remarks on selection.

disputes, while Henderson's general overview of international inquiry commissions in contemporary times ignores the League precedents.¹¹¹

Within the field of international law, the League's inquiry commissions have often been side-lined for their apparent departure from The Hague's model. These inquiries took on larger issues of fact with major political dimensions – rarely isolated incidents that could be settled by a court. Moreover, the League commissions were in most occasions not restricted to pure fact-finding missions and could engage with conciliation and the formulation of recommendations, if these were deemed appropriate by the authorising League organ. For Merrills, this created a 'diversionary effect' away from pure fact-finding and inquiry.¹¹²

Issue	Place	Time
Border delimitation	Albania	1921-22
Territorial	Mosul	1924-25
Women trafficking	30 countries	1924-26
Opium*	Persia	1925-26
Border incident	Greece-Bulgaria	1925-26
Opium	East Asia	1928-30
Forced labour*	Liberia	1929-30
Territorial*	Manchuria	1931-32
Territorial*	Chaco Boreal	1934-35

Table 1: International inquiries organised by the League of Nations – cases studies marked with*¹¹³

Leagues scholars have fixated on the outcomes of inquiries, rather than practices and meanings attached to fact-finding at the international level. The limited scholarship on the League's use of

¹¹¹ van den Herik. "An Inquiry into the Role of Commissions of Inquiry in International Law," 518. the League is only mentioned in the foreword of Henderson's *Commissions of Inquiry* and not taken up as a subject in any of the chapters, although there is considerable attention to the UN inquiries. This is partly rectified by Harwood's "Navigating between Principle and Pragmatism" although there is no coherent study of the League technique available.

¹¹² Merrills, *International Dispute Settlement*, 62.

¹¹³ The overview lists inquiries that were labelled as such and also included a form of fact-finding on the ground. I have omitted the Åland Islands question as the body established by the League was a committee of rapporteurs instead of a formal inquiry. The League occasionally named working committees based in Geneva as inquiries (such as the inquiry for the European Union), however, these were of an administrative rather than investigatory nature. In French these are often distinguished as *commissions d'études* and *commissions d'enquête* (inquiry). Case studies for this thesis are marked with asterisks.

inquiry suggests it has not been identified as a coherent technique in the past – due to a lack of legal and organisational blueprint.

The Covenant of the League of Nations made mention only twice of the word inquiry, in the context of a dispute that could arise between states, without any specification how to organise an investigation.¹¹⁵ Inquiry may have been a familiar concept by then and it is possible that the authors of the Covenant had The Hague Convention of 1907 in mind when they drafted the articles on the prevention of international disputes.¹¹⁶ Nevertheless, none of the main League bodies (Council, Assembly, Secretariat) settled on a blueprint as to how these investigatory bodies could operate in practice. Was inquiry perceived as sufficiently self-explanatory?

The archival collections held in Geneva and the official journal of the organisation have left no trace of procedural matters and criteria set for the establishment and functioning of inquiry commissions. In a procedural sense, an early mention of inquiries occurs in a note from 1921: the Board of Directors realised that the League's myriad commissions rapidly were becoming 'the most important phases' of organisational activity, insofar as they permitted continuity of work between the more sporadic Council and Assembly meetings. The note's author, Frank Walters, felt that all these commissions, from ad hoc inquiries to permanent commissions, each needed 'a real personality and life of its own'.¹¹⁷ Walters thought it welcome to have the Assembly look into ways to address the problem but also suggested minor changes in procedural practice, with regard to regular communication and the organisation of meetings. From the source material there is little indication that after the circulation of the note there was a sustained discussion about inquiry commissions. Rather, the League's inquiry technique appears to have been

¹¹⁵ Articles 12 and 17 of the Covenant of the League of Nations. In the case of art. 17 the wording is ambiguous with regard to powers, practices and outcomes: 'Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.' From: "The Covenant of the League of Nations," Avalon Project, accessed 14 April 2017, http://avalon.law.yale.edu/20th_century/leagcov.asp.

¹¹⁶ Mary Florence Wilson, *The Origins of the League Covenant: Documentary History of Its Drafting* (London: Leonard and Virginia Woolf, 1928), 196. Charles Howard Ellis, *The Origin, Structure & Working of the League of Nations* (London: George Allen & Unwin, 1928), 61.

¹¹⁷ All quotes from: *League of Nations Commissions: Note discussing the methods by which the Secretariat may assist these commissions*, May 1921, 40-12894-12894, R1584, LONA.

developed through individual cases of a commission being organised. However, this was not common practice at the international level.¹¹⁸

The manifest absence of detail on inquiry in the League's legal statutes and procedural documents is puzzling if one considers that one of its agencies, the International Labour Organisation (ILO), had separate articles on inquiry in its constitution right from its establishment. Agreed as part of the 1919 Peace Treaty, the ILO's provisions detailed that an inquiry commission could be organised to confirm whether ratified conventions are being observed by their members.¹¹⁹ Equally, the document specified the appointment, information-gathering and reporting processes as well as institutional oversight and referral to the Permanent Court of International Justice.¹²⁰ The ILO's inquiry mechanism was specific in the sense that it directly referred to any conventions agreed between members and would act as a verification tool for observance – the League's intentions for inquiry would turn out to be broader in scope. Although the ILO was made part of the League's organisational structure, it acted with a degree of autonomy and organised its own fact-finding missions.¹²¹ None of the League inquiries made concrete reference to the ILO's statutes, suggesting there was little direct overlap between the respective models of inquiry.

Contrary to the ILO, the League organised a number of high profile inquiries in the context of inter-state disputes that received public attention. The League's unspecified procedures to conduct investigations represent an anomaly that is worthy of scrutiny: similar to domestic inquiries, this seems to have been instilled by a desire to keep inquiry as flexible and ad hoc as possible. Why may this have been the case? Overall, the major powers that negotiated the League's Covenant during the Peace Conference were adamant to keep it a 'disappointingly short

¹¹⁸ Although it persists until today with regard to the UN's inquiries. See: Juan Mendez, "Commissions of Inquiry: Lessons Learned and Good Practices." *Politorbis*, No. 54, 2 (2012): 47-54.

¹¹⁹ "The Labour Provisions of the Peace Treaties," International Labour Organization, accessed 5 June 2018, art. 411, http://www.ilo.org/public/libdoc/ilo/1920/20B09_18_engl.pdf.

¹²⁰ *Ibid.*, art. 415.

¹²¹ On ILO inquiries and their international context, see: Guy Fiti Sinclair, "A 'Civilizing Task': The International Labour Organization, Social Reform, and the Genealogy of Development." *Journal of the History of International Law / Revue D'histoire Du Droit International* 20, no. 2 (September 12, 2017).

and vague document'.¹²² They instructed the first Secretary-General and the main League bodies to flesh out most of the procedural details once the organisation was set up. For instance, the founding document had little to say about staff recruitment and therefore gave a great deal of discretion to Eric Drummond and his small group of directors to determine criteria for recruitment and shape the Secretariat in their own vision.¹²³ All of this suggests that inquiry's procedural anomaly was deliberate: to keep the technique as flexible as possible, in order to give maximum autonomy when an issue would arise, and a response was required. In institutional terms, this meant that the League's Council and Assembly could spell out specific guidelines for each inquiry: their involvement increased their authority over each matter, allowed for a tailor-made approach to the issue, but also extended the deliberation process and establishment of a commission.¹²⁴ In practice, negotiations that preceded the establishment of an inquiry, took place in small, private gatherings, received little public scrutiny and were therefore easily subjected to diplomatic interests and power politics.¹²⁵

When considering the case for omission, it is feasible to assume that during the League's formative years the specific procedural issues of inquiry may have been overlooked among other pressing subjects. In the line with its international precedents, incidents often had a spontaneous nature which left little time to come up with carefully crafted guidelines. There were no easily available criteria to decide on what was a sufficiently international issue to be investigated or whether all countries could be subjected to the same degree of scrutiny. Yet, the absence of detailed guidelines was never rectified throughout the years. As the case studies reveal, the inquiry commission became a 'well-established League technique' and yet there was no review

¹²² Citation from: Ellis, *The Origin, Structure & Working of the League of Nations*, 99. Carole Fink, "The Great Powers and the New International System, 1919-1923." In *From War to Peace: Altered Strategic Landscapes in the Twentieth Century*, eds. Paul M. Kennedy and William I. Hitchcock (New Haven: Yale University Press, 2000), 17-35.

¹²³ Karen Gram-Skjoldager and Haakon A. Ikononou. "The Construction of the League of Nations Secretariat. Formative Practices of Autonomy and Legitimacy in International Organizations." *The International History Review* (December 21, 2017), 1-23.

¹²⁴ Ellis, *The Origin, Structure & Working of the League of Nations*, 61. Depending on the article of the Covenant, a member state had the ability to choose to refer a dispute to the Council and/or the Assembly.

¹²⁵ A major role was played either by the Council President or the rapporteur that prepared the resolution an inquiry. In practice, individual country representatives could also be close involved in the process.

process or identification of best practices that would reinforce a future inquiry.¹²⁶ Each commission remained remarkably ad hoc in character, with only brief allusions to precedents set in the past.

The absence of shared procedures touches upon the question of coherence. In a formal sense, the League inquiries followed similar patterns regarding the terms of reference, an international composition of commissioners, a fact-finding basis to the inquiry and with a report to describe the outcome of the investigation. Overall, the main League bodies provided the institutional continuity and support required when inquiries completed their assignments. Nevertheless, each inquiry had its own accentuations: the selection of inquiry members could follow different procedures and selection criteria, depending on who was instructed to take the lead. In some instances, the appointment process occurred outside of the League, when the Council President took the initiative or when countries discussed composition in a bilateral manner.¹²⁷

The formal coherence did not always extend to the ground, when commissioners could use varied means of collecting evidence, ranging from hearings and witness statements (Liberia) to direct negotiations with political actors (Chaco). This was the result of a large degree of autonomy awarded to the League's Council and Assembly to determine the most suitable mandate: in the Chaco dispute, the commissioners were given a fact-finding task combined with the express desire to find a way to end hostilities between Bolivia and Paraguay. The topic of the inquiry and the composition of the team could also have an impact on the style of the report, which ranged from technical fact-finding (Persia) to a form of socio-political narrative (Manchuria). However, all inquiries dedicated time to the historical background of their subject and they never refrained from providing a set of suggestions and recommendations. Finally, there was a commonality among League inquiries because all of them had to achieve compromise among a diverse group

¹²⁶ Northedge, *The League of Nations*, 112.

¹²⁷ This was the case for Council President Aristide Briand during Manchurian crisis. Also, in the Liberian inquiry, negotiations about the terms of reference were bilaterally conducted between the US and Liberia.

of individuals: reports were composite documents that either reflected a consensus or the lowest common denominator of agreement.

The overview of League inquiries (Table 1) shows how the organisation gradually broadened its investigatory scope, from minor incidents to issues of major international concern, thereby departing from the thematic coherence that characterised international inquiries into inter-state disputes under the auspices of The Hague court. As a result, the League's use of inquiry resembled more the inquiries organised in a domestic context, with a broad spectrum of issues and a high degree of flexibility, than any judicial precedents set at the international level. Matters of fact constituted the basis for all inquiries, however, domestic examples were geared more towards matters of law and policy reform, which rhymed with the League's emphasis on the implantation of international law and the identification of necessary reforms in the investigative reports.¹²⁸ League inquiries touched upon many international legal conventions and policy issues related to trade, agricultural cultivation, social relations and the coercive exploitation of people. The League's experimentation with international inquiry roughly corresponded with the moment when the United Kingdom started to regulate the activities of its investigatory bodies through the Tribunals of Inquiry Act (1921), hence the lack of standardised procedures was not a complete anomaly.¹²⁹

The issues addressed by the League's inquiries often went beyond the technicalities of border delimitation and took on a politically sensitive character because they touched upon the balance of power or vital economic interest of League member states. The thesis suggests that the inquiry's engrained flexibility was intentional because it favoured many of the larger member states, particularly the European powers: by way of their political weight and extensive diplomatic networks, they dominated the League's institutions and were therefore decisive in all decisions to establish an inquiry commission. Their benefit from a flexible technique is reflected

¹²⁸ Merrills, *International Dispute Settlement*, 63.

¹²⁹ In some regards, the United Kingdom was slow to enact legislation on inquiries. For instance, Australia standardised its procedures for royal commissions with a specific act in 1902. Canada formalised its inquiries only in 1985.

in the fact that inquiry was often applied to countries and regions of the world that were considered as undeveloped or not having achieved a civilised status yet. The general picture that emerges from the League's inquiries is of a technique that scrutinises countries that failed to respect the unwritten norms and rules of international society, because of illegal trade, conflict or a public scandal. Rarely were European imperial powers directly implicated, although many of the investigated issues touched upon their vital economic (and to some extent colonial) interests.

The imperial internationalist context is one reason to question the supposed incoherence of the League's inquiry technique, beyond a degree of commonality identified in the previous paragraphs. Following Merrills, their importance of inquiry may lie elsewhere, as form and status within the organisation are subordinate to their function and value.¹³⁰ If their function and value were built around the use of investigative modalities to preserve an international civilised society and to underpin imperial hierarchies within a new geopolitical landscape, this would be of greater importance than their thematic discrepancies. Inquiries were employed to deescalate crises, raise pressure on countries that risked stepping out of line or, alternatively, their creation permitted League members additional time to bring forward a diplomatic response to a severe international crisis.

The investigative bodies were situated within an organisation created in the aftermath of the First World War and the Paris Peace Conference and destined to condition and preserve the status quo of the pre-existing international order.¹³¹ The inter-war political landscape comprised a world of hierarchies, of large and small states, empires and colonial dependencies, with significant discrepancies in economic and military power, where civilisational standing mattered to the international society.¹³² Inquiry was a mechanism deployed in parallel to others, such as minority rights and mandates regimes, to deal with and maintain past legacies and the existing status

¹³⁰ Merrills, *International Dispute Settlement*, 59.

¹³¹ This is best exemplified in Article 10 of the League's Covenant. See: Ellis, *The Origin, Structure & Working of the League of Nations*, 113. Graebner, and Bennett. *The Versailles Treaty and Its Legacy*, 161.

¹³² R. M. Douglas, Michael D. Callahan, and Elizabeth Bishop, eds. *Imperialism on Trial: International Oversight of Colonial Rule in Historical Perspective* (Lanham, MD: Lexington Books, 2006). Linklater, "The 'Standard of Civilisation' in World Politics," 2.

quo.¹³³ This context can be extended to modes of knowledge production, scientific expertise, rational norms and civilisational claims, part of the League's institutional fabric and the inter-war socio-political lifeworld. In short, inquiries were not operating in an organisational and historical void: they were composite bodies that interacted with people, ideas, organisms, states and communities of the period, but also mediated between levels and power relations.

The previous sections have highlighted the popularity and flexibility of inquiry as a technique, particularly at the domestic level. Although the form and dispute-related precedents at the international level go some way to explain how the League's use of investigations would be embedded in its organisational structure, overall, domestic examples appear to be a more prevalent inspiration – due to their thematic variety, ad hoc rules and nominal independence from a political authority. The scholarship on domestic inquiries has highlighted how inquiries could benefit the state because it offered an escape from direct action and could help to preserve the status quo through the voice of appointed experts – characteristics which are of relevance to the League examples. The next section will explore in more detail the coherence in purpose and practice of League inquiry, which is connected to the institutional dynamics and imperial internationalist context in which commissions operated. The aim is to frame the phenomenon in analytical terms, to demonstrate how inquiry provides a view on the relationship between knowledge and international politics in the inter-war period.

The purpose and value of League inquiries

Of the nine international inquiry commissions organised by the League of Nations, four are chosen as case studies to reflect upon the purpose of the investigative technique within the realm of inter-war international politics. As explained before, the case study chapters were selected to test to which extent there is a coherent inquiry technique palpable within the institutional fabric of the organisation and what this presence reveals about the League's wider aspiration to transform international politics in a context of imperial hierarchies and power struggles. The

¹³³ Mazower, "An International Civilization?," 560. Pedersen, *The Guardians*, 10.

cases on opium in Persia, forced labour in Liberia, the Sino-Japanese dispute over Manchuria and the Chaco conflict offer sufficient variety in terms of geography, temporality and theme to test this notion.

By 1925, when the opium inquiry was being prepared, League officials and representatives had a clearer understanding of what inquiry comprised and there was a growing awareness of institutional precedents set in the first years of its existence: commissioners in their personal documents make the occasional reference to previous League inquiries, for instance the Mosul Commission which investigated the rivalling claims over the city; equally, their correspondence with the Secretariat marks a desire to learn about the formatting standards of the inquiry report.¹³⁴ Although a few of the inquiries directly touched upon European politics, the overview confirms a clear tendency for investigative modalities to be used in a non-European context – hence the avoidance of a Eurocentric focus in the case study selection.

The previous discussion about the main characteristics of domestic and international inquiries has provided a range of terminology and concepts to frame the League's approach to fact-finding missions in international politics. It has also given examples of relevant precedents, involving the upper echelons of power in relation to inquiry (from monarchs in the early-modern period to colonial administrations in the nineteenth and twentieth centuries) and the semi-judicial format in which fact-finding was embedded in international law and its corresponding institutions. To establish a direct link between inquiry and the League's historical context, as a framework for the thesis, the next paragraphs address the technique's purpose within the organisation and its socio-political environment. Finally, the chapter develops into a discussion of the empirical evidence that is tied to institutional, contextual and agential-related factors, in support of the imperial internationalist argument set out in the introduction.

¹³⁴ See the examples of Frederic A. Delano in the Persian inquiry (referring to Mosul) and Count Luigi Aldrovandi for the Chaco Dispute (referring to his experience on the Lytton Commission). Charles S. Johnson's familiarity with inquiry in a US context of race relations aided him in the Liberian investigation.

The overall image of the League of Nations that appears from its principles and spheres of activities, and to some degree was also reproduced in the self-image, is one of the League as peace organisation, but linked with the notion of 'New Diplomacy' that arose during and after the First World War. The argument goes that 'New Diplomacy' was not just a set of aspirations with regard to political principles (such as self-determination), the engagement of public opinion, but also a grander ideal to rationalise of the conduct of international politics, through impartial fact-finding, dispassionate decision-making and 'the organised moral force of men throughout the world'.¹³⁵ The language of the 'League experiment', with its legal principles, scientific terminology and formal adherence to 'technical work', would permeate all layers of the organisation; equally, it would come to dominate the way in which contemporaries and to some extent successive generations would view the aspirational climate of internationalism and organised universalism.¹³⁶

The purpose and value of inquiry, as part of the 'League experiment' and 'New Diplomacy', was characterised by repeated references to the notion of 'impartiality', whether in the context of the appointments or the overall work of inquiry.¹³⁷ For instance, League Secretary-General Eric Drummond was adamant that an inquiry's 'members and staff should be known to be impartial', which for the appointment process meant, 'to select persons not only distinguished for their expert knowledge but recognised as having unbiased judgment.'¹³⁸ There were similar expressions of faith in the impartial value of international inquiry during the public sessions of the Council: at the outbreak of the Manchurian crisis at the end of 1931, the Spanish representative Salvador de Madariaga stressed that inquiries were 'the surest guarantee we have today that difficulties will be settled in the fairest manner and in the interest of peace. A

¹³⁵ J. D. Armstrong, *The Rise of the International Organisation: A Short History* (New York: St. Martin's Press, 1982), 9.

¹³⁶ Allan, *Scientific Cosmology and International Orders*, 187.

¹³⁷ This was in spite of the rigorous procedures that had been developed to ensure impartiality. Reference to impartiality was often lip service before and after an investigation. See for example the Chaco Commission being thanked for its 'energy, impartiality and wisdom': *Chaco Dispute: Committee of Three Proceedings*, 20 January 1934, 1-343-9062, R3616, LONA.

¹³⁸ *Letter from the Secretary-General to Frederic A. Delano*, 23 December 1925, 12A-45255-46885, R801, LONA.

Commission provides guarantees of knowledge and impartiality.’¹³⁹ In addition, French Foreign Minister Aristide Briand gave arguably the best expression of what purpose an inquiry could serve to the League of Nations. In 1932, during a Council session on the Sino-Japanese dispute over Manchuria, as Council President he underlined ‘the importance to the League of obtaining information by its own methods, by methods for whose accuracy it can vouch’.¹⁴⁰ The testimony of the League’s approach to inquiry -seen through the eyes of some of its interlocutors and agents – speaks mostly of principles and aspiration, despite the bleak outlook of events on the ground. They are striking because they either reveal a strong sense of rhetoric about the League experiment or a perhaps naïve belief in the solely technical means to address a major crisis of international politics.

In practice, the League’s inquiries could look very different from the aspirations political leaders referred to. When it concerned first-hand information, commissioners were strongly reliant on European help on the ground, coming from embassies, associations and large corporations, but also dependent on translators to reach out to the local populations.¹⁴¹ With regard to the composition of the commission, it was believed that a multinational composition would be sufficient to obtain greater impartiality; in practice, it often meant a balance between diplomatic interests, with the majority of commissioners coming from European countries (and imperial powers).¹⁴² The necessity for relevant expertise was identified as choosing ‘men of stature’ with long careers in politics, the military or sometimes a professional background on a relevant (technical issue), to take a disinterested view in the investigation.¹⁴³ Women were never

¹³⁹ *Discussion at the 65th Session of the League of Nations Council*, R1865, LONA.

¹⁴⁰ *Discussion at the 66th Session of the League of Nations Council*, January-February 1932, 1A-31334-34613, R1870, LONA.

¹⁴¹ In one instance, the League relied directly on diplomatic representations for fact-finding and local observation. This was the case with the Shanghai Committee (see chapter 5 on the Manchurian crisis).

¹⁴² Secretary-General Eric Drummond preferred small-country representation and, in some cases, to avoid representation of countries with direct interests. Yet this never materialised for major political disputes (Manchuria, Chaco) and was sometimes unavoidable due to contingency (Liberia).

¹⁴³ Much of the ‘technical’ expertise from commissioners was gained via time spent in colonial administration or in the diplomatic circles of an empire, which had an impact on the mindset of the chosen candidates. This was the case for the Permanent Mandates Commission but also applies to League inquiries. See: Susan Pedersen, “Getting Out of Iraq—in 1932: The League of Nations and the Road to Normative Statehood.” *The American Historical Review* 115, no. 4 (October 2010): 982.

considered for such a role and commissioners often lacked specific knowledge about the geographical region they would stay and investigate an issue.

Although fact-finding was the main purpose and some commissioners aspired to a form of truth seeking, in practice an inquiry could also interpret its assignment as one of diplomacy – to reduce hostilities and reconcile views, thereby blurring the original purpose of fact-finding. In theory, the report had to reflect the information gathered on the ground but could touch upon wider issues the commission chose to address – such as the necessary reforms a country had to take to develop itself as a more civilised state. Nevertheless, the highly anticipated report could result in very little action being undertaken on the basis of the facts encountered by the commission – to the frustration of its members, who would express their disappointment with the League in the years after the inquiry. Therefore, the impact of an inquiry could be wildly varying, from cabinet changes and new legislation in some countries, to the absence of any international action against military hostilities and territorial expansion in other regions.¹⁴⁴

A gap between the potential and practice of conducting international affairs through technocratic means was not an uncommon phenomenon in Geneva. A source of continued tension in the inter-war period was that ideas to revamp international relations and introduce rational means clashed with engrained forms of diplomacy, prevailing hierarchies and existing practices and beliefs. For both contemporaries and scholars, the League suffered from a ‘clash between aspirations and reality’ in the application of its lofty principles into the diplomatic practice of dispute settlement, disarmament, minority questions, territorial mandates and the technical cooperation between member states.¹⁴⁵ Inquiry, as the aspiration to speak truth to power by means of fact-finding, faced numerous obstacles due to the way in which League investigations were organised and the context in which they operated.

¹⁴⁴ These observations are taken from the four case study chapters.

¹⁴⁵ Alan Sharp. “The New Diplomacy and the New Europe, 1916–1922.” In *The Oxford Handbook of European History, 1914–1945*, ed. Nicholas Doumanis (Oxford: Oxford University Press, 2016), 119.

Investigations neither had the legal mechanisms nor the clear political support to enforce their findings. Moreover, commissioners were individuals who in most cases had lived through the pre-war era, that was distinguished by strict social and moral codes, a condescending view on other cultures and races, meshed with a belief in progress that saw no contradiction between liberalism and empire.¹⁴⁶ Commissioners figured in a world of socio-political hierarchies, with power asymmetries that structured the foreign policies of large and small states, legally codified and embedded in an international society that was constructed around a notion of a civilisational standard.¹⁴⁷ The agents of 'New Diplomacy' within the League aspired to produce impartial knowledge but were often blind to the tense coexistence between expertise and the exercise of power, or put differently: the role of ideology in epistemic practices.¹⁴⁸

Hence, the League's aspirational agenda to remake the conduct of international politics through scientific advances, objective fact-finding and dispassionate decision-making, which was the subject of myriad declarative statements, should be set against a reality of diplomatic interests, imperial competition and ideological struggles. The disparity between aspirations and reality is adequately exemplified in the conventional approach taken after the submission of an inquiry report: discussions of the findings by the Council and Assembly were steeped in congratulatory language for the 'thoroughness' and 'scientific method', lip service was paid to the diligent work done by the commission, however, leaving little time for a detailed deliberation of the facts and recommendations in the report.¹⁴⁹ Critiques of the report were rarely raised in public sessions and deferred to a specific committee, or even an additional investigative committee to follow up on the initial report.¹⁵⁰

¹⁴⁶ Bell, "Empire and International Relations in Victorian Political Thought." 281–98.

¹⁴⁷ For its legal origins, see: Koskeniemi, *The Gentle Civilizer of Nations*, 132-135. Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842-1933* (Cambridge: Cambridge University Press, 2014).

¹⁴⁸ Mazower, Mark. *No Enchanted Palace*, 23. For an example of a detailed study of ideology in investigative practices, see: Andreas Glaeser, "Power/Knowledge Failure: Epistemic Practices and Ideologies of the Secret Police in Former East Germany." *Social Analysis* 47, no. 1 (January 1, 2003).

¹⁴⁹ Examples taken from: *Discussions at the 8th Ordinary Session of the Assembly*, September 1927, 12A-45255-61816, R803, LONA.

¹⁵⁰ See the example of the Brunot Committee in chapter 4 about the Liberia inquiry.

Inquiries, as ad hoc and nominally independent bodies, did not have a clear institutional mechanism that permitted them to ensure the impact of their investigations. Tensions like these that were implicit in domestic inquiries were met by new challenges specific to the international level: the time-consuming process to establish an international commission composed of multiple nationalities, the ad hoc negotiation process to settle on the terms of reference, and the unclear ownership of the issue to be investigated – which respective League body would act upon the findings.

The seemingly contradictory stances between, on the one hand, declarations of impartial inquiry, and, on the other hand, the intentional absence of clear procedures and mechanisms to support investigatory practices, raises the question whether a genuine belief was held by League officials and representatives in Geneva that an aspiration to seek truth through scientific means and impartial methods would bring about a transformation of international politics. Or, to the contrary, was it eloquent hyperbole and lip service that employed a scientific cosmology as a veil to continue the exercise of imperial power and uphold a civilisational hierarchy through a new type of international organisation? This palpable clash between aspiration and reality, principle and pragmatism appear not to have been an inconsistent duality, but created a *modus vivendi* that ran through the League's institutional fabric and structured the fact-finding missions on the ground. To appreciate the extent to which the 'League experiment' overlapped with an imperial frame and civilisational hierarchy, requires an exploration of the political and epistemological dimensions in which inquiry was being practiced but equally conditioned by institutional constraints of the League, a context of multi-level power relations and individual agency. These dimensions are accompanied by an outline of the empirical evidence that materialises from the case study chapters.

An imperial internationalist framework

The League of Nations' use of inquiry in international politics can be framed using three distinct dimensions, that touch upon the organisation's transformative aspiration through investigative

modalities in circumstances forged by inter-war imperial internationalism. This framework evolved from the case study work in the subsequent chapters, using an inductive approach.

First, the League as an institutional development in the organisation of peace, was both rooted in ideas of 'New Diplomacy' and the moral force of public opinion, as well as ideas about the British Empire and the reimagination of a (global) commonwealth. Inquiry was anchored to the League as a technique developed in other contexts – directly related to the state or to an international court – and adapted to suit a wide range of inter-state disputes and cross-border, international issues. This created a number of design flaws that inhibited inquiry, as a flexible and ad hoc technique, from having a strong impact on the decision-making process.

Second, the imperial context was palpable in the civilisational hierarchy that prevailed in the international system, multi-level forms of political contestation and unequal distributions of power in international relations. The prospect of inclusion or threat of exclusion from international society, the rivalry of political and economic interests, created tensions that touched upon the investigative modalities of fact-finding missions as well as the support to act upon their findings.

Third, the agency of commissioners counterbalanced the institutional and contextual constraints of the other dimensions. Yet, in search of rational fact-finding and the objective validation of knowledge in a politicised setting, commissioners were also confronted with their personal limitations, such as physical strain and emotional duress experienced on the assignment. Moreover, their 'civilised' attitudes were tainted by imperial idioms and repertoires, originating from their Western, socio-professional background. In other instances, agency was found in the actions of local and domestic players, seeking to defend their peripheral region or country at the international stage against the weight of foreign expertise and the spectre of intervention.

These three dimensions are conceptually explored and coupled with evidence¹⁵¹ of the case study chapters; they reveal the fault lines between the League's belief in the transformative capacities of its instruments and the tensions that arose from its institutional imperfections and the imperial internationalist structure of inter-war politics.

The **institutional dimension** of the League touches both upon the structural and historical origins of inquiry as well as the ways in which the organisation was thought and designed in the years during and after the First World War. Much of this has been elaborated upon in the earlier sections of this chapter but a brief recap is in order here to link the institutional dimension to the practical and organisational constraints faced by inquiry during its fact-finding missions. Inquiry had originated both in domestic bodies that were instructed by state authorities to gather information on societal issues, as well as in a flexible international mechanism to resolve narrowly focused types of inter-state disputes (as an alternative to arbitration, negotiation or reconciliation). One resemblance between these precedents and the League's use of inquiry was that they all considered the technique as more flexible and nominally independent, than the older administrative or diplomatic means to address problems. However, by applying inquiry to a wide range of international issues, the League pulled the technique out of its original spheres of government or the international court system and embedded it in a diplomatic environment.

The procedural process of inquiry at the League remained vague at most, with no detailed status and enforcement mechanism provided for in the Covenant and no attempts to address this deficiency over the following years. To some degree, the Secretariat remedied this with a closer scrutiny of the candidate-commissioners (P), partnerships with specialised bodies or agencies (P, L) and a precise definition of tasks (L, P, M) although it often had to respond to contingency and only played a limited role in the establishment and agenda-setting of inquiries. The imprecise position of inquiry, palpable in a broad mandate given by the Council (C) or the lack of

¹⁵¹ For the purpose of clarity, these will be labelled in-text with a letter, referring to the relevant case studies as follows: opium production in Persia (P), forced labour in Liberia (L), the Sino-Japanese dispute over Manchuria (M) and the Chaco war between Bolivia and Paraguay (C).

enforcement of its findings by any of the League's political organs (L, P, M), certainly clashed with the League's overall aspirations at the ideational level, to bring about greater impartiality in diplomatic affairs and rationalise the conduct of international politics.

Perhaps it was thought that the simple act of inquiry would be sufficient to raise pressure on governments, to expose aggression (M, C) or misadministration (L), and use the weight of public opinion to enforce reform. To some extent this worked: inquiry certainly disposed of a capacity to lessen hostilities, while commissioners were working on the ground (C, M), its findings were taken into consideration by national actors (L, P), but had limited means of support when countries refused to sincerely cooperate or simply ignored its findings (C, M). As a consequence, the rhetoric of impartial fact-finding would not be matched by international action, nor by strong League authority to further its agenda of peace and cooperation. At most, inquiry as truth seeking appears as an interim measure rather than an end in itself, to buy additional time before taking a decision, to exert public pressure on countries or to avoid taking any action at all.

The **contextual dimension** considers the imperial hierarchies, the standard of civilisation and the multi-level power dynamics that resulted from the inter-war political environment. The connection between empire and inquiry has been established by scholars of international history and cultural anthropology, considering their role in the functioning of imperial administration. Studies within this field have focused on the high-point of colonial domination, around the second half of the nineteenth century and pre-war years of the twentieth century, when imperial peripheries served as laboratories for governance and modernity and were subjected to different forms of investigative modalities – including inquiry.¹⁵² The First World War and eventual creation of the League of Nations tends to blur the degree to which world politics still had an imperial character, although structural continuities in how the pre-existing order was maintained and reproduced can be identified. European maritime empires still had an economically

¹⁵² Bevernage, "The Making of the Congo Question," 203-238. Zoë Laidlaw, "Investigating Empire: Humanitarians, Reform and the Commission of Eastern Inquiry." *The Journal of Imperial and Commonwealth History* 40, no. 5 (December 2012): 749-68.

predominant role in international politics, despite talk about 'New Diplomacy', support for national self-determination and greater autonomy through indirect rule. Meanwhile, new imperial powers such as the United States and Japan did not seek to radically overturn the existing hierarchy – rather to continue many of its practices.¹⁵³ In general, the inter-war years were characterised with a softer face of imperialism, such as the 'sacred trust' with the African continent and a subtler use of a pre-existing civilisational standard (not reliant on military conquest) to regulate relations between a European-led international society and the rest of the world.¹⁵⁴ Yet to Mazower, newer notions of sovereignty and the liberal principles embedded in the League's Covenant 'still depended on the same civilisational hierarchies that had underpinned so much pre-1914 liberal thought.'¹⁵⁵

The language of internationalism suggests that imperial hierarchies were on the way back by the time the League came into existence, however, the organisation's activities in the non-European world indicates a continued influence of an imperial framework. Mazower and other scholars are sceptical of the rapid transition from empire and civilisation to a statehood and a rights-based international system.¹⁵⁶ Jerónimo has noted how idioms and repertoires about the sacred trust, race and the colour line, good colonial government, colonial developmentalism, normative standards of imperial civilisation – fostered through the League – gave empires a renewed sense of legitimacy after the First World War.¹⁵⁷ This line of argument finds an echo in the League's inquiry commissions. Many of the investigated issues and disputes took place in the context of contested regions or fragile states, where imperial powers had economic and political interests (P, L, M, C). A sizeable part of the commissioners appointed by the League had a professional experience working in colonial administration or in technical fields that had required exposure

¹⁵³ Although the US did not join the League, they actively cooperated with the organisation in its technical activities (which touched upon inquiry) with the help of US philanthropic organisations. Its representatives shared similar views with regard to hierarchy and the standard of civilization in international politics. See: John A. Thompson, "American Power and Interwar Internationalism." *The Historical Journal* 61, no. 04 (December 2018): 1137–48.

¹⁵⁴ Callahan, *A Sacred Trust*, 52-62. Koskenniemi. *The Gentle Civilizer of Nations*, 132-135.

¹⁵⁵ Mazower, Mark. "An International Civilization?," 559.

¹⁵⁶ *Ibid.*

¹⁵⁷ Jerónimo, "A League of Empires," 88-89.

to imperial peripheries (P, L, M, C). From the case studies arises the general observation that many of the reports entailed far-reaching recommendations and specific suggestions for the development of the state or region in question (M, C), which implied thorough changes in the administration and even the reliance on Europeans to oversee the process (L, P).¹⁵⁸ The literature on imperial hierarchies supports the argument that a 'standard of civilisation' was still intact in the League's sphere of activities, even though its use and consequences were subtler – through the use of international standards, for example around slavery (L) and narcotics (P), early forms of humanitarian investigation (L), and development work as well as a system of mandates that could manage the transition towards nominal independence.¹⁵⁹

Power unmistakably presents itself as a crucial concept to elucidate the inter-war imperial hierarchies in more detail, especially in connection to inquiry's activities in the field of knowledge production, because of the many political tensions and forms of contestation that appear in the case studies.¹⁶⁰ The environment in which inquiry commissions operated was marked by rival players in competition with each other, to extend their civilisational tutelage over territories, seek economic gains from the 'sacred trust' but were also confronted with local resistance to their attempts at undermining national sovereignty (Table 2). Existing conceptualisations of power have often failed to capture these dynamics of continuous competition, instead of fixed relational distributions; also, they do not extend beyond one chosen frame of reference.¹⁶¹ However, from power relations and political contestation it is evident that 'tensions at work between the international, national, and local scenes and frames of reference', complicated the League's role

¹⁵⁸ It is noteworthy that the League's administration of European territories (Danzig, Memel, Saarland) was not part of the Mandates section but was placed under a different supervisory regime. In contrast, many of the Liberian affairs were dealt with by the Mandates section, even though the country had gained independence in the 19th century and was accepted as a full member of the League.

¹⁵⁹ Gong, *The Standard of "Civilization" in International Society*, 76-81.

¹⁶⁰ See Table 2 for an overview of each case study, organised according to the frame of reference.

¹⁶¹ For example: David A. Baldwin, *Power and International Relations: A Conceptual Approach* (Princeton, New Jersey: Princeton University Press, 2016).

as aspiring international authority, in bringing its expertise and international activities to the rest of the world.¹⁶²

	Manchuria	Chaco	Liberia	Persia
Local	Unanimity for chairmanship but different views on treatment of Japan	Rivalry for chairmanship and ideological differences	Rivalry between commissioners over task and conclusion of inquiry	Differences over interpretation of terms of reference
National	Conflict between China and Japan over status of Manchuria	Dispute between Bolivia and Paraguay over ownership of Chaco	Conflict between Liberian Government and hinterland population	Power grab by Reza Khan Pahlavi and conflict with tribal populations
International	Expansionist ambitions, League framework and non-member interests (US and USSR)	American and neighbouring states (Pan-American Conference) and League: hierarchy?	Liberia as a League member but US semi-protectorate	Efforts for international regulation of drugs, disagreement between abolitionists and pragmatists

Table 2: Power and political contestation in a multi-level field¹⁶³

Within the case studies, power and contestation find myriad expressions, arising in internal disputes between commissioners (C, M, L), to domestic rivalries between social and economic groups (L), open hostilities between countries (C, M), attempts to further national interests, consolidate imperial rule or gain greater economic control (L, P, C), to competition at the international level over the most appropriate body to arbitrate a conflict (M, C). In most cases, there is a strong interplay between these tensions, either transferred or exacerbated, due to the interaction between local, national and international scenes, thereby constraining inquiry's effectiveness on the ground as both a diplomatic and fact-finding body. The multi-level field of power and political contestation touched upon the establishment of the commission (terms of

¹⁶² Kott, "International Organizations," 449.

¹⁶³ Source and overview: own.

reference, choice of commissioners), practices on the ground (support by the host countries), and the outcome of investigations (the frequent delays in the process; degree of international support to act upon findings). The overall image that appears is not one of a hegemonic apparatus of truth regime, or an uncontested League authority, but one constrained by the actions and unequal power distributions in a multi-level field. As such, the League's inquiry technique partly reaffirmed imperial hierarchies, but could act as a constraint on more expansionist desires by major foreign powers – although it disposed of no coercive powers (M, C). It opened weak and fragile states to soft tutelage and political pressure through expertise, but meanwhile offering them a platform to reject foreign intervention (L) or turn the exposure to their advantage (P).

The third dimension of **agency** serves as a counterweight to the previous, more structural dimensions, which have mostly identified institutional and contextual constraints in the way inquiry functioned as part of the League of Nations. Personal agency played an important role, most visible in the people that were chosen to be part of an investigation, their attitudes, frames of mind and methods they used for fact-finding, which can be ascertained from their diary entries and written correspondence with the League, relatives and more distant acquaintances. These help to establish how the individuals as a component of inquiry reflected on truth and politics, how their racial, gender and civilisational biases shaped and conditioned fact-finding within the League and the inter-war political environment. While the exploration of fact and impartial methods was often the subject of lip service within the political bodies of the organisation, how was it experienced by its agents on the ground? These questions touch upon the nature and limits of rational fact-finding, the capacity of individuals to act according to their ideals or pragmatic views, in an environment that both enabled and constrained their assignment.

Contemporary research on investigative missions at the international level has emphasised the importance of ideology, research bias, the aesthetics of evidence, how commissions are conscious of the presentation of their findings, and the performative aspect of truth seeking in an

institutional setting.¹⁶⁴ Few of these insights have been explored in a more historical context. But in one instance, Lori Allen has explored investigative commissions to Palestine during the twentieth century, through an analysis of the ‘burden of proof’ as an overarching concept. She dissects the performative and aesthetical aspects of evidence, the formulation of an inquiry report but also scrutinises the fallacy of ‘rational’ fact-finding. Allen zooms in on the inter-war era of the League and sees a trajectory of ‘emotion as the evidentiary ground of testimony’.¹⁶⁵ This conclusion strengthens the need to take the personal seriously, in establishing scientific credentials, impartial objectivity and search for the truth. This is of importance in the diagnosis of inquiry as a technique, because it demonstrates how ‘reading’ emotions in the choices and claims made by individuals, as part of a commission, can help to uncover forms of political legitimacy and subjugation. Thus, the emotional becomes another frame, next to gender, race, civilisation, through which the inquiry phenomenon can be analysed.¹⁶⁶

Race appears as a consideration in the selection of candidate-commissioners, their scientific credentials but also in assigning credibility to (expert) witnesses (P, L). Gender is equally of relevance in the appointment of people, as women were never actively considered for the position of commissioner, supporting expert, and in one case even discouraged – given the psychical strain and risks involved (P).¹⁶⁷ The standard of civilisation shines through in the perceptions of the non-European world (P, L), the historical ties with peoples (C) and the perception and stereotypes of national groups (M). Emotions present themselves in the archival sources in

¹⁶⁴ Saida Hodžić, “Ascertaining Deadly Harms: Aesthetics and Politics of Global Evidence.” *Cultural Anthropology* 28, no. 1 (February 2013): 86–109. Anne Orford. “Commissioning the Truth.” *Columbia Journal of Gender and Law* 15 (2006): 851–83.

¹⁶⁵ Allen, “Determining Emotions and the Burden of Proof in Investigative Commissions to Palestine,” 412.

¹⁶⁶ Prevost, Elizabeth. “On Feminists, Functionalists, and Friends,” 562–600. Musab Younis, “Race, the World and Time: Haiti, Liberia and Ethiopia (1914–1945).” *Millennium: Journal of International Studies* 46, no. 3 (May 27, 2018): 352–70. Glenda Sluga. “Women, Feminisms and Twentieth-Century Internationalisms.” In *Internationalisms: A Twentieth-Century History*, eds. Glenda Sluga and Patricia Clavin (Cambridge: Cambridge University Press, 2016), 61–84.

¹⁶⁷ The League inquiry organised to investigate women trafficking explores questions of gender in more detail. This example of an investigation was omitted from the case study selection because of the large number of countries that were researched for the report and the extensive team of investigators that were hired for the work. See: Rodríguez García, “La Société Des Nations Face à La Traite Des Femmes et Au Travail Sexuel à l’échelle Mondiale.” *Le Mouvement Social*, no. 241 (2012): 105–125.

myriad forms, through the description of physical strain, tiring travel and homesickness as a state of mind (P, L, M). In other examples, the personal views of a commissioner (P, L, M, C), such as suspicions toward a group of people (P, L, M), and ideological convictions (C), frame the mindset and conclusions drawn from the gathered evidence. Likewise, social bonds and most of all personal rivalries (C), may cloud the object of the assignment. In terms of rationality, it is noteworthy how the main protagonists of inquiry showed very little consideration for sources of bias and other factors that potentially can cloud their judgement. The position as 'outside' investigator and how it frames the inquiry received no scrutiny. Although there are signs of scientific innovation (L), reflections on the nature of truth (M) and attempts to introduce scientific standards in the presentation of information (P), overall there was no palpable ethical framework that accompanied the practice of inquiry,

Agents of inquiry, however, played a sizeable role in how investigations were conducted and facts were represented. They decided on whether an issue would be framed as one of failure of individual officials or rather a case of general maladministration that required intervention (L). Likewise, they considered whether a technical issue such as opium had to be addressed in a narrow sense of crop substitution or a broad overhaul of state governance (P). Inquiry reports went beyond the narrow scope of the facts of a dispute: they addressed causes, identified failings and background factors that contributed to the outbreak of hostilities (M, C). Thus, their agency can be identified in their role as shaping the perception and views of these countries and regions of the world – even though their recommendations were not always followed. However, agency was not limited to inquiry commissions – it was also found in local actors that acted as a catalyst to bring an issue to the international stage (L) or in the form of country officials that seized the League platform and the discussion of an inquiry report to defend their sovereign actions (P, L, M, C).

In the last two decades, the renewed interest in many of the League's spheres of activities, previously 'overlooked or underestimated', has led to a reassessment of the organisation's role in

inter-war international politics.¹⁶⁸ Research interest in subjects such as intellectual cooperation, health, refugees – often described under the denominator of ‘technical work’ – has shifted the emphasis on the innovative character of the organisation.¹⁶⁹ Susan Pedersen identified this ‘technical League’ in her book *The Guardians*, with its steady expansion of activities in the areas of international standards and cross-border cooperation as ‘the foundation for the institutions of global governance’. In her view, this League is distinct from two others, one that dealt with issues of war and disarmament, while the other compromised topics such as sovereignty, territorial administration, minorities and mandates.¹⁷⁰

As argued in the introductory chapter, much of the League historiography continues to follow these engrained narratives (with ‘failure’ and ‘foundational event’ at the outer edges), depending on the research subject they primarily address. If one follows this approach, then the ‘technical’ perspective would most likely situate inquiry as one of the developments that amplified the growth of global governance as well as the progressive diffusion of international standards with regard to fact-finding missions. In contrast, to approach inquiry only from the results and impact it produced, is to overlook the importance of the technique as an expression of the League’s rational aspirations and its underlying scientific cosmology. The four case studies highlight the limitations of a singular narrative for the institution’s legacy, either as a development towards global governance or as a tool at the will of imperial powers, especially when it concerns the case of inquiry. In other words, the entrapment in the language and institutional memory of the League, whether it is a binary of success and failure or the frame of ‘technical work’, risks preserving much of new recent research within existing silos of League historiography.¹⁷¹

¹⁶⁸ Laqua, “Transnational Intellectual Cooperation, the League of Nations, and the Problem of Order,” 224.

¹⁶⁹ Ludovic Tournès, “American Membership of the League of Nations,” 5.

¹⁷⁰ Pedersen speaks about three different Leagues (referring to William Rappard): a League to outlaw war, a technical League and a League for the adjudication of sovereignty. This echoes the different legacies she set out in her 2007 article about the League historiography. Pedersen, *The Guardians*, 8-10.

¹⁷¹ More than the League, this is the case for the UN. See: Elisabeth Roehrlich, “H-Diplo Diplo Review Essay 153 - State of the Field Essay on the History of the United Nations and Its Organizations,” accessed April 20, 2018. <https://networks.h-net.org/node/28443/discussions/1715203/h-diplo-essay-153-state-field-essay-history-united-nations-and>.

Since the League deployed its investigations across a range of topics, there were inevitable overlaps between these 'different Leagues' identified by Pedersen: technical activities and cross-border cooperation became enmeshed with issues related to sovereignty and power, international standards were elaborated within the same diplomatic circles that handled disarmament and territorial disputes. As such, fact-finding cut across the 'different Leagues' and had an impact on anything from high politics to the fulfilment of statistical work – stretching beyond what can be covered by the label of 'technical work'. To treat inquiry as a technique deployed across the League organisation, tempers the usage of existing frames that only consider a fraction of the League's activities and equally brings critical distance to the 'global governance' turn of the recent historiography. Moreover, it places investigative modalities such as inquiry and the role of international expertise on a much longer time-frame and contributes to a clearer understanding of the political and ideological underpinnings of impartial fact-finding missions.

3: The Inquiry Commission for Opium Production in Persia

A matter of control

‘It is true the *ryot* [peasant] would have his savings derived from opium wherewith to buy food, but it must be remembered that the absence of good roads and the utter apathy and helplessness of the Government render the transport of food grain from one province to another in time of dearth a matter of difficulty, so that a man may have money, but still may not be able, in many districts, to buy food. Peoples may, in fact, be starving in Shiraz while there is plenty in Tabriz and vice versa.’
(Walter Baring, *Trade and Cultivation of Opium in Persia*, 1882)

‘Opium is not something to be tried out.
It is not a distraction, an affair: opium marries you.’
(Jean Cocteau, *Opium: The Diary of His Cure*, 1930)

Introduction

The League of Nations’ establishment of an opium inquiry in 1926 was a watershed moment in the institutionalisation of inquiry at the international level. Before that, international inquiry commissions had solely been used for the judicial resolution of political disputes and border issues between two or more countries. The League’s first opium inquiry¹⁷² in 1926, a three-man investigation in Persia supported by the Social Section of the Secretariat, was an unprecedented move, to tackle Persia’s ‘opium problem’ on grounds of social, health and overall humanitarian concerns.¹⁷³ The decision to set up an investigation had sprung from the two International Opium Conferences held in Geneva between the autumn of 1924 and the spring of 1925, to discuss ways in which to control the supply of narcotics. In the latter conference, the Persian delegation had suggested the appointment of a commission to visit opium-producing countries and study all problems pertaining to the limitation of opium production. The suggestion brought about an investigation into Persia’s opium situation in the spring of 1926.

¹⁷² A second inquiry, into opium-producing countries in East-Asia, appears at the end of this chapter (under ‘Aftermath’).

¹⁷³ John A. DeNovo, *American Interests and Policies in the Middle East, 1900-1939* (Minneapolis: University of Minnesota Press, 1963), 288.

When one country's efforts to combat the illicit production of opium is taken as a prism for the larger international problem of narcotics trade, the inquiry reveals a political salience that extends beyond social or even humanitarian concerns. Greater state control over the trade was a desired outcome for many of the European and Asian countries that participated in the Opium Conferences. The League discussions therefore concentrated on the supply-side of the opium trade, that would permit to bring production and manufacturing under a state monopoly, and side-lined the question of general prohibition. 'Supply-control' as a paradigm did not mean a reduction, simply a shift from the black market to state-owned monopolies. The chapter uses the history of the creation of a narcotics control regime at the international level to explain why Persia came under attention for an issue that concerned many of the League's member states – 56 countries eventually signed and ratified the Opium Convention agreed in 1925 in Geneva.¹⁷⁴ Although the inquiry commission's work on the ground in Persia is of primary importance to understand how the League resorted to fact-finding and international expertise to enact regulatory change in a member state, the domestic and international political contexts merit equal attention – effectively the imperial internationalist framework helps here to examine how politics may have been a driving force behind the discussion of a social and health issue.

As William McAllister notes in *Drug Diplomacy*, the narcotics question cannot be considered an apolitical matter, as it is 'intertwined with issues of national security and economic growth, competing policy objectives, manoeuvring for bureaucratic position, defence of cultural prerogatives, and the vicissitudes of personality'.¹⁷⁵ For this reason, political developments such as the rise of Reza Khan, his efforts to remove domestic opposition, and the instauration of the Pahlavi dynasty in Persia are of considerable relevance to the Persian Government's dealings with the opium question and its degree of cooperation with the League's inquiry commission. Arguably, the intertwining of the narcotics question with politics is also visible at the international level, by way of the League's efforts to devise a supervisory regime to stem the

¹⁷⁴ Sandeep Chawla, ed., *Un siècle de lutte contre la drogue* (New York: United Nations, 2009), 74.

¹⁷⁵ William B. McAllister, *Drug Diplomacy in the Twentieth Century* (New York: Routledge, 2002), 2.

supply of illicit drugs, underscored by disagreements between abolitionist and (more) permissive countries. In addition, Persia's historical foreign policy of balancing itself between the rival interests of Great Britain and Russia will be of significance to understand the country's opening towards the United States and its search for a distinct, sovereign voice in the international arena in the 1920s, when opium became a means of diplomacy. The larger web of competing political interests, over the levers of power in Persia and the growth of narcotics trade in the twentieth century, forms the imperial internationalist background to the narrative of the Persian inquiry presented here.

The case study chapter does not only touch upon the historical change in the use of the inquiry method, the entangled multi-level fields of local, domestic and international politics, but also structural and epistemological questions. Although most of the League's inquiry commissions were set up on an ad hoc basis, the support by the League's Social Section for the Persia Commission will distinguish it from the other case study chapters. This chapter addresses to what extent the inquiry could rely on the continuity and expertise developed and retained within the Secretariat, as a solution to offset the chosen commissioner's limited exposure to Persian conditions. Similarly, the inquiry into a more technical subject, pertaining to agricultural production and crop substitution, suggests a different role for expert knowledge and the scientific language used in the inquiry's report to discuss the facts and conclusions of the opium problem. Did the technicality of the subject make diplomacy less of an obvious factor or is it possible to identify continuities in the politicised context surrounding inquiry? The chapter will elaborate on the tensions that arise from the League's expected impartiality, because of a reliance on foreign expertise, as well as imperial repertoires in preparation and execution of the investigation.

The chapter is organised in a structure that reflects the chronology of the inquiry, namely the origins, catalyst and preparatory steps to the commission, including its composition, followed by investigation on the ground, the report-writing and the aftermath of the inquiry. This structure is retained in the subsequent chapters to give both a familiar sense and advantage of comparison to

the thesis. The Persia chapter commences with the multi-layered origins to the inquiry, focusing on the growing dominance of opium in the Persian context, the efforts at international cooperation to combat illicit narcotics beginning from the early twentieth century and the political upheaval in Persia after the First World War, three facts which coalesced into the Persian suggestion at the International Opium Conferences in 1925. It goes into some detail to describe the international diplomatic climate at the time in the run-up to the Conferences, with particular reference to imperial interests and the Persian stakes in the set-up of an international control regime.

The origins

By the year 1925, a letter-writer to the British *Times* newspaper noted that ‘signs of the opium habit are to be seen all over the country’.¹⁷⁶ It was one response in a series of articles that discussed whether consumption of the narcotic drug was common in Persia. Although opium had been introduced to the country centuries before, its cultivation and consumption was not widespread until the second half of the nineteenth century. To understand how opium developed from a minor domestic issue to a subject of international attention – an agenda item for the League of Nations – consideration is to be given to opium’s role in the changing agricultural and economic outlook of Persia.

*‘Flowers of evil’*¹⁷⁷

The origins of opium cultivation in Persia cannot be precisely dated, but the medicinal purposes to the latex of the opium poppy (*papaver somniferum*) were known for several centuries to Persian society. It was only in the nineteenth century that the country significantly expanded its cultivation of the opium poppy. Gerald McLaughlin, a seminal author on the history of opium in Persia, lists four reasons to explain this expansion: medical factors, economic factors, the role of foreign powers and traditional Persian characteristics. For example, McLaughlin notes how Persians turned to ‘home remedies for relief of pain and disease’ at a time when they were lacking

¹⁷⁶ H.G. Hart, “Opium in Persia,” *The Times*, 28 January 1925.

¹⁷⁷ Title taken from: Donald Wigal, *Opium: The Flowers of Evil* (New York: Parkstone International, 2014).

adequate medical facilities.¹⁷⁸ However, some of the reasons McLaughlin cites, including the emphasis on national characteristics (such as the Shiite branch of Islam which is characterised as more mindful than its Sunni counterpart), and the role of British officers in introducing the practice of smoking (rather than eating) opium, are questionable: they show neither a convincing causal relation (in the case of religion) nor fully explain the scale of the spurt of growth in opium production and consumption (in the case of medicinal reasons and foreign powers).

In contrast, contemporary scholars see economic reasons as predominant to explain the story of opium's advance in Persian agriculture in the second half of the nineteenth century.¹⁷⁹ For Bradley Hansen, an economic historian, the Persian experience was special because unlike most countries it not only consumed but also produced and exported the product.¹⁸⁰ In particular, it was the growing demand for opium from Europe and South East Asia that made cultivation of the opium poppy a lucrative affair for Persia's landowners and export merchants. Hansen also asserts that 'opium production was reputed to yield a profit for landowners about three times that of grain, and laborers who worked on opium fields were said to receive higher wage'.¹⁸¹ As such, it was the increase in export revenue that encouraged the gradual switch from food to opium production, even though this could exacerbate the risk of famine (when a failed grain harvest would not provide enough food stock).¹⁸² As Ahmad Seyf notes, opium became a 'cash crop' that helped to pay for increasing imports of consumer goods that were produced elsewhere, but did little to improve agricultural productivity in the country.¹⁸³ In fact, the appetite for cash crops and

¹⁷⁸ Gerald McLaughlin, "The Poppy Is Not an Ordinary Flower: A Survey of Drug Policy in Iran." *Fordham Law Review* 44, no. 4 (January 1, 1976): 729.

¹⁷⁹ For example, see: James Windle, *Suppressing Illicit Opium Production: Successful Intervention in Asia and the Middle East* (London, I.B. Tauris, 2016).

¹⁸⁰ Bradley Hansen, "Learning to Tax: The Political Economy of the Opium Trade in Iran, 1921-1941." *The Journal of Economic History* 61, no. 1 (2001): 93.

¹⁸¹ Hansen, "Learning to Tax," 97.

¹⁸² The Great Famine of 1870-71 is an often-cited example, although two years of drought and failed harvests were the immediate causes of the estimated 1.5 million Persian deaths. Opium cultivation had no significant causal effect in the massive food shortages; they were due to chronic underinvestment in irrigation and transport and administrative mishandling. See: Shoko Okazaki, "The Great Persian Famine of 1870-71." *Bulletin of the School of Oriental and African Studies* 49, no. 1 (1986): 183-92.

¹⁸³ Ahmad Seyf, "Commercialization of Agriculture: Production and Trade of Opium in Persia, 1850-1906." *International Journal of Middle Eastern Studies* 16, no. 2 (1984): 234.

high earnings drew attention away from investment in local transport, agricultural manufacturing and other types of development that could have helped the Persian population and economy, as well as decrease the perpetual risk of food shortage.

By the late nineteenth century, opium cultivation had successfully pushed out rival production processes, most notably the cultivation of silk and cotton after they had suffered price collapses on the international markets, respectively due to a silk worm disease and the decrease in demand for cotton after the end of the American Civil War. Coupled with Persia's growing trade deficit this meant that the country was increasingly reliant on a sole cash crop to support its foreign trade imbalance. Yet, opium cultivation was not without risks: over-cultivation and adulteration of the raw product were responsible for a gradual deterioration in the quality of Persian opium. This would eventually lead to a financial squeeze in the agricultural sector, particularly those working on the poppy fields. Opium cultivation was a time-consuming and difficult occupation, reliant on large supplies of labour, a stable climate and regular care throughout the autumn, winter and spring. The harvest had to be carefully timed and could easily be disrupted by bad weather conditions.¹⁸⁴

Despite the substantial revenues for those who owned the cultivated lands and the merchants who exported to Europe and East Asia, as part of a blossoming global network in narcotics trade, the opium farmers at the origin of the production process saw little of the trade revenue and did not dispose of a stable source of income. Equally, the sheer scale of illicit opium trafficking meant the central authorities could tax only a part of the entire trade. Statistics on government revenue for the period before and after 1900 are lacking, but the trade statistics offer some indication of opium's palpable importance in the Persian context: around 1900 the annual average of licit opium traded was around 300.000 metric tonnes with a value ranging from £300,000 to

¹⁸⁴ Seyf, "Commercialization of Agriculture," 237-247. McLaughlin, "The Poppy Is Not an Ordinary Flower," 730. Gerald McLaughlin and Thomas M. Quinn, "Drug Control in Iran: A Legal and Historical Analysis." *Iowa Law Review* 59, no. 3 (February 1974): 472-474. A.K.S. Lambton "Land Tenure and Revenue Administration in the Nineteenth Century." In *The Cambridge History of Iran. Vol. 7: From Nadir Shah to the Islamic Republic*, eds. Peter Avery and A. J. Arberry (Cambridge: Cambridge University Press, 2007), 474.

£350,000. By this time the value had begun to drop because of the poor quality of Persian opium. However, the illicit trade easily surpassed the legal channels with estimates ranging from 400.000 to 600.000 metric tonnes. Despite the drawbacks of a singular attachment to the production of opium, trade continued and expanded unabatedly into the new century.¹⁸⁵

Raising the international stakes

Persia's transition from small-quantity production to large-scale international exportation did not occur in a vacuum but had international repercussions. By the start of the twentieth century, Persia had established itself as the leading player of what came to be known as the Golden Crescent, a region in Asia of opioid producing countries (also comprising Afghanistan, India and to some degree Turkey). The Golden Crescent countries were the principal exporters of opium to colonial territories in South East Asia but also found a growing demand in European markets. Whereas the export trade within Asia was often meant for immediate consumption, the use of opium in Europe was linked to the production of morphine by pharmaceutical companies. A major part of opium trade, however, occurred through clandestine trade and therefore escaped levies imposed by the government. Reliable data for the period are unavailable, but it is suggested that the majority of opium revenue evaded taxation in Persia. This was largely due to structural factors, such as a weak state, inefficient institutions, high levels of corruption, few adequate means of transport, and lack of authority over rural areas in the Golden Crescent area.¹⁸⁶

The unfettered development of an international trade in narcotics did not pass unnoticed. The second half of the 19th century saw American and British individuals raise their misgivings about the flourishing trade and its moral repercussions on society; also, the first organisations were set up to draw attention to free flow of drugs in an interconnected world. In 1907, a first agreement was concluded between two countries, China and India (under British control), to voluntarily restrict the supply and subject the trade to government control. Moral concerns in the United States about opium's effects on the productive parts of society were an important drive for joint

¹⁸⁵ Windle, *Suppressing Illicit Opium Production*, 38-39.

¹⁸⁶ Pierre-Arnaud Chouvy, "Géopolitique des drogues illicites en Asie." *Hérodote* 109, no. 2 (2003): 169.

initiative with China to organise an international gathering to discuss all problems related to the narcotics trade. In 1909 the Shanghai Opium Commission prepared a report in anticipation of the meeting of thirteen countries (including Persia) in Shanghai later that year. It supported a gradual suppression of opium-smoking and suggested initiatives to end the illicit trade of narcotics.¹⁸⁷

Although the Shanghai meeting offered a blue-print for future gatherings, its immediate consequences were limited. This was largely because the majority of participating countries remained wary of the overtly prohibitionist agenda pushed for by the United States and China. The European imperial powers saw no reason to pursue a full ban on the smoking and eating of opium, while producing states such as Persia did not wish to give up a substantial source of government revenue nor step in to control the market – despite the significant scale of the illicit trade. As a compromise, all thirteen participating countries agreed in principle with the opium commission's non-binding recommendations, but they stopped short from enforcing the report's proposed measures. The Shanghai gathering did not produce an effective narcotics control regime because, as McAllister suggests, countries 'demonstrated their inclination to protect interests at the expense of pursuing moral objectives.'¹⁸⁸

In the build-up towards an international regulatory regime for narcotics trade, another step was taken three years later at The Hague Opium Conference of 1912, a plenipotentiary meeting which resulted in a convention that reinforced the message of gradual oppression of opium abuse in the world. The Hague Convention of 1912 also referred to other types of drugs, such as cocaine and heroin, and stipulated for the first time there was a clear distinction between legitimate (medicinal) and illegitimate (clandestine trade; criminal use and abuse) drug usages. Unlike the Shanghai gathering, the conference held in The Hague produced an international legal agreement

¹⁸⁷ McAllister, *Drug Diplomacy*, 26-28. Harumi Goto-Shibata. "The League of Nations, Washington and Internationalism in East Asia: With Special Reference to the League's Attempt to Control Opium." In *The International History of East Asia, 1900–1968*, ed. Antony Best (London: Routledge, 2010), 58.

¹⁸⁸ McAllister, *Drug Diplomacy*, 32. For a general background, see: John Collins, "Breaking the Monopoly System: American Influence on the British Decision to Prohibit Opium Smoking and End Its Asian Monopolies, 1939–1945." *The International History Review* 39, no. 5 (October 20, 2017): 772. *Memorandum of Persian Government for International Opium Commission in Shanghai 1909*, 12A-45255-48489, R801, League of Nations Archives, Geneva.

although it outlined domestic enforcement mechanisms to separate the trade, rather than a type of international supervision. Additionally, The Hague Convention was not helped by the fact that the First World War broke out soon after, which delayed ratification and its entry into force until 1919.¹⁸⁹

What position did Persia take during the deliberations at The Hague in 1912? According to McLaughlin and Quinn, Persian representative to the Conference Mirza Mahmoud Khan stressed the fact that excessive curtailing of opium exports would damage government revenues gained from the trade. The delegation was adamant to avoid the immediate prohibition of opium exports, as this would hit disproportionately farmers and merchants.¹⁹⁰ For the Persian Government, the opium trade represented at the same time a source of strength (revenue from the licit trade) and a perpetual headache (over-reliance on an unproductive cash-crop and the size of the illicit trade), however, it did not desire to gamble with its economic interests. Persia signed The Hague Convention of 1912 but its National Assembly (*majlis*) failed to ratify the agreement. For the time being, the implementation of trade restrictions could be held off, although international pressure was set to rise in the future.

In 1919, the Paris Peace Conference created an opportunity to put the subject of drugs control back on the discussion table. The United States strived to make The Hague Convention of 1912 part of the Peace Treaties, to ward off a growing drugs problem at home. The renewed American initiative was aided by the fact that a change of personnel at the Home Office had made the British Cabinet open to the idea of a stronger international control system. The automatic accession to The Hague Convention, as part of the 1919 Peace Treaties, resulted in a sudden increase of ratification and the convention's entry into force. Also, the newly created League of Nations would take over the responsibility for administering The Hague Convention. In its Covenant, the League was entrusted with 'the general supervision over the execution of agreements with regard to (...)

¹⁸⁹ John Collins, "Breaking the Monopoly System," 773. Goto-Shibata. "The League of Nations, Washington and Internationalism in East Asia," 58. McAllister, *Drug Diplomacy*, 34-45, 39.

¹⁹⁰ McLaughlin and Quinn, "Drug Control in Iran," 485.

the traffic in opium and other dangerous drugs.’¹⁹¹ Persia became a founding member of the League, however, it failed to ratify The Hague Convention. Its role in the narcotics trade would come under closer scrutiny, as the League established an Opium Advisory Committee in 1920 with regular meetings to discuss problems related to opium. From this moment onwards, ‘all paths to drug control passed through Geneva’, although its strongest supporter, the United States, was not going to be a part of it.¹⁹² Yet, drugs control would be one of the few areas where the United States as non-member would decide to closely cooperate with the League of Nations.

Drugs control fell under the purview of the League’s Social Section, a team of twelve officials in the Secretariat that was given responsibility for much of the humanitarian work initiated by the international organisation. This humanitarian work included, for a large part, women and children trafficking and drugs-related questions, subjects that encompassed some of the unique challenge of international cooperation. Dame Rachel Crowdy, head of the Social Section, considered opium to be a problem ‘among the most difficult with which the League deals’ because of the size of illicit trade, the lack of effective coordination between states, and the absence of an effective control mechanism that could gradually suppress the production and consumption of opium.¹⁹³ The Social Section had feeble means to address its field of activities. As Carol Miller observes, the Section was ‘limited by budgetary and staffing constraints’ and for this reason could not hire ‘experts on subjects examined by the social committees’.¹⁹⁴ Furthermore, Crowdy and her small team faced competition from the Health Organisation in matters public health and social medicine. However, the League’s Health Organisation did little to advance a cause: it avoided to discuss the nature of opium consumption and addiction and did not agree on a medical definition of what constituted legitimate use.¹⁹⁵

¹⁹¹ “The Covenant of the League of Nations,” Article 23.

¹⁹² McAllister, *Drug Diplomacy*, 37.

¹⁹³ Rachel E. Crowdy, “The Humanitarian Activities of the League of Nations.” *Journal of the Royal Institute of International Affairs* 6, no. 3 (1927): 153–69.

¹⁹⁴ Carol Miller, “The Social Section and Advisory Committee on Social Questions of the League of Nations.” In *International Health Organisations and Movements, 1918-1939*, ed. Paul Weindling (Cambridge: Cambridge University Press, 1995), 155.

¹⁹⁵ Borowy, *Coming to Terms with World Health*, 160.

Despite the ongoing machinations at the international level, Persia's opium situation after the First World War did not see a rupture from the pre-war years. The War had damaged farmland and irrigation systems, making the cultivation and trade of the opium poppy vital for the regeneration of the agricultural sector. To avoid poverty in Persian households, the government actively supported farmers in the production of opium. In just a couple of years, export recovered and surpassed previous record numbers. As James Windle succinctly lays out, by 1920 Persia 'had captured 30 percent of the global pharmaceutical market and opium was the third most important source of export revenue' with up to a quarter of households 'directly or indirectly reliant on the trade'.¹⁹⁶ The share of opium production that was exported through licit channels acted as a boon for government: opium represented 9 percent of total government revenue – despite the inefficient tax collection. The government tolerated illicit trade, because it had led Persia to take a larger share of the overall international opium trade. This irked the European imperial powers, as production and trade shifted away from their colonial and other territorial possessions.

In the coming years, Persia would commence a trial and error approach towards revenue-maximalisation and a stronger role for the state in the opium market. To understand how Persia went about the learning process to achieve a more effective opium policy, however, it is necessary to look at the political turmoil from the late nineteenth and the early twentieth century and how the rise of a new dynasty put levers of administrative change in place.¹⁹⁷

The rise of Reza

What had permitted the widespread clandestine trade of opium in the first place? As previously noted, landowners considered cultivation of the opium poppy as a cash crop that increased revenues and could buy foreign imported goods. However, opium's uninterrupted expansion was also aided by the characteristics of the Qajar monarchy (1789-1925) that ruled Persia since the

¹⁹⁶ Windle, *Suppressing Illicit Opium Production*, 35.

¹⁹⁷ Hansen. "Learning to Tax," 99-100. "The Opium Question in Persia." *The Lancet* 211, no. 5453 (March 1928): 457.

late eighteenth century. The first Qajar rulers (*shahs*) asserted strong political and military authority in the Persian plateau, a region connecting Anatolia in the west and the Hindu Kush in the east. However, the dynasty proved unable to retain control over the growing expenditures for its court and army, leading to widespread corruption. This created a perennial lack of treasury funds, despite several attempts to reorganise the state's finances. Rather than invest in the country's own industrial and commercial capacity, successive Qajar rulers opted to rely on foreign powers to invest in the Persian economy – through railway and oil concessions. The rivalry between Great Britain and Russia over imperial dominance in Central Asia meant that Persia was of some importance to the 'Great Game' – which weakened the Persian Government's independence of action.¹⁹⁸ Yet, the competing British and Russian interests and their involvement in Persia did not produce drastic change; rather, it led to decade-long political stagnation, as neither power was willing to see the other pursue a reform agenda that could strengthen its imperial position in the country.¹⁹⁹

The regime's incapacity to enact administrative innovations in the late nineteenth century increased popular demands for changes to the distribution of power. In 1906, protests came out in favour of a constitution that would impose restrictions on the *shah's* right to decide by divine authority – although foreign interventions had already greatly diminished it. In the constitution, the Persian *majlis* (or assembly) was recognised as representative body of the people and additional source of sovereignty. Constitutional provisions also outlined basic individual rights, the creation of civil law and a division of the branches of government. Although this meant a continuation of the Qajar dynasty in a nominal sense only, the constitutional revolution of 1906 was not a radical break with the past. Rather, it was 'an intermediate period between an old order which was passing, and a new one which had yet to emerge' that revolved around repeated

¹⁹⁸ The case of the Anglo-Persian Oil Company is a prime example how the British Empire controlled a foreign enclave within Persia and used the company as a tool both to extract resources and influence the Persian Government. See: R. W. Ferrier, *The History of the British Petroleum Company. Volume 1: The Developing Years, 1901–1932* (Cambridge ; New York: Cambridge University Press, 2009).

¹⁹⁹ Michael Axworthy, *A History of Iran: Empire of the Mind* (New York: Basic Books, 2010), 187-193. S. Bakhash, "Administration in Iran VI. Safavid, Zand, and Qajar periods," *Encyclopaedia Iranica*, 1982, <http://www.iranicaonline.org/articles/administration-vi-safavid>.

clashes between dynastic, legislative and local agents over the direction of new constitutional monarchy.²⁰⁰ This was evident in 1907, when a dispute erupted between the *shah* and the *majlis* over a treaty agreed by Great Britain and Russia to divide Persia into zones of influence. The imposition of an agreement by the two foreign powers produced a rebellion, between central authorities in Teheran, loyal to the *shah*, and a coalition of revolutionaries and local chieftains, that would drag on into the 1920s.²⁰¹

The First World War, as noted before, had a damaging effect on Persia. In diplomatic terms, the country pursued a position of neutrality but was unable to stop foreign powers from infiltrating the country. For example, the Persian Cossack Brigade, an elite unit commanded by Russian officers (and modelled on the Imperial Russian Army) but mostly made up of Persians, had to fight off Ottoman troops in the north to safeguard Russian interests. Previously, the Cossack Brigade had played a significant role in supporting the *shah* during the rebellions that followed the constitutional revolution. After the Bolshevik revolution of 1917, the Brigade's Russian nationals were removed and replaced by British officers. The Cossack Brigade's strength lay in its capacity to shift the political balance within Persia, between the *shah* and its rivals, depending on which it favoured. After the war, it was an officer named Reza Khan who rose through the Brigade's ranks: he spotted an opportunity – a weak government and ongoing societal divisions – that could be exploited to his own benefit with the help of the elite horseback men.²⁰²

The prevailing anarchy during and after the First World War was largely caused by a steep loss in trade with Russia (and to some extent Germany). Despite the quick recovery of the opium trade, overall agricultural production had fallen and created temporary food shortages. The erosion of central authority and the Russian retreat following the Bolshevik revolution, meant that Great Britain could try and accomplish a more ambitious agenda in the region ('a chain of vassal states')

²⁰⁰ Gavin R.G. Hambly, "The Pahlavi Autocracy: Riza Shah, 1921-1941." In *The Cambridge History of Iran. Vol. 7: From Nadir Shah to the Islamic Republic*, eds. Peter Avery and A. J. Arberry, (Cambridge: Cambridge University Press, 2007), 214.

²⁰¹ Axworthy, *A History of Iran*, 205-210. S. Bakhash, "Administration" *Encyclopaedia Iranica*.

²⁰² Stephanie Cronin, *The Army and the Creation of the Pahlavi State in Iran, 1910-26* (London: I.B. Tauris, 1997).

from the Mediterranean to India).²⁰³ British interest to increase its tutelage over Persia led to an agreement in 1919 that would bring in additional British advisers and army officers as well as British loans for infrastructure investments. The *majlis* and public perceived the treaty as a step towards the creation of a British protectorate, and vehemently opposed the government's handling of the matter. As Gavin Hambly suggests, this was 'an expression of broad-based disillusion with the general mismanagement of the country, and of economic and other grievances.'²⁰⁴

The *shah* tried to ward off criticism with the replacement of his Prime Minister, the latter who then tilted towards Bolshevik Russia in search of a similar treaty. Eventually the *shah* had to postpone all plans for an agreement with a foreign power, again due to public backlash. Teheran's series of reactive moves failed to dissipate the rebellion and, in 1921, a *coup-d'état* led by Reza Khan took place without bloodshed, due to the weakness of the Qajar dynasty and the resolute non-interference on the part of the British.²⁰⁵ In the years before, Reza Khan had quickly risen within military ranks and found himself at the head of the Cossack Brigade. Rather than immediately seizing power, he made himself the indispensable leader with a series of political promotions: first, as Commander-in-Chief of the army, then Minister of War, and eventually as Prime Minister in 1923 while retaining his other posts. Before 1926, the year he was coronated as *shah* and adopted the name Pahlavi, Reza Khan pursued a cautionary agenda of cooperation with the *majlis* and a reorganisation of the army and security forces. Investment in new equipment and better pay for the military troops allowed Reza Khan to build a strong power base that would help him in his future skirmishes with recalcitrant landowners and local chieftains.²⁰⁶

²⁰³ British Foreign Secretary Lord Curzon saw Persia as the 'weakest and most vital link' in the creation of such a chain. See: J. C. Hurewitz, *The Middle East and North Africa in World Politics: A Documentary Record*. Vol. 2 (New Haven: Yale University Press, 1979), 182.

²⁰⁴ Hambly, "The Pahlavi Autocracy," 217.

²⁰⁵ On British aiding and abetting the *coup-d'état* or rather the decision of non-interference, see: Michael P. Zirinsky "Imperial Power and Dictatorship: Britain and the Rise of Reza Shah, 1921-1926." *International Journal of Middle East Studies* 24, no. 4 (November 1992): 639-63.

²⁰⁶ Hambly, "The Pahlavi Autocracy," 220-223.

Persia's de facto leader had ambitious plans for the country: he desired to strengthen its sovereignty, centralise political power in Teheran and force through a rapid modernisation of the economy.²⁰⁷ When it came to decreasing Persia's dependence on Great Britain and Bolshevik Russia, the domestic and foreign policy agendas neatly fused together. Reza Khan encouraged the search for new allies abroad: in 1922 Persia opened talks with the United States government about closer cooperation and the possibility of foreign assistance in the area of administrative reform. The United States were perceived as a disinterested player, with no major economic interests in Persia at the time; they could serve as a counter-weight to Great Britain and the Soviet Union. An American financial mission under the leadership of A.C. Millspaugh was brought in, soon after, to reorganise Persia's finances and to improve its tax collection system. To make Persia less reliant on foreign concessions and reduce the need for a loan, the team of financial advisers were instructed to find ways to increase the government's income. A major source of export revenue, opium was bound to be a point of contention for the Persian tax administration. In 1923, the government trialled an experiment to control the raw opium supply by having farmers deliver to state-owned warehouses; yet, it still faced problems with improving taxation of the black market.²⁰⁸ However, the efforts to increase the role of the state in opium production was set in motion.

At this point in time, the parallel histories of Persia's opium production, the political turmoil that resulted in a new dynasty and its search for independence from foreign powers, and the international attempts to stimulate cooperation around illicit drugs, increasingly became intertwined. Within an imperial internationalist context, the developments described in this section created the conditions for a catalyst at the League of Nations that would induce Persia to

²⁰⁷ The example of Reza Khan has occasionally been compared to Ataturk and the Westernisation of Turkey, however, there are also notable differences between the two leaders. See: Axworthy, *A History of Iran*, 227.

²⁰⁸ *Appointment and services of an American Mission to assist in the administration of the Finances of Persia*, 1927, Volume 3, Foreign Relations of the United States (hereafter FRUS), 523-567. K.S. MacLachlan, "Economic Development, 1921-1979." In *The Cambridge History of Iran. Vol. 7: From Nadir Shah to the Islamic Republic*, eds. Peter Avery and A. J. Arberry (Cambridge: Cambridge University Press, 2007), 609-610. Zirinsky "Imperial Power and Dictatorship," 643.

welcome an inquiry commission to investigate the problem of opium poppy cultivation and gradual limitation to legitimate needs, resulting in a set of recommendations to change the country's approach to opium.

The catalyst

The Hague Convention of 1912 had left the work on international narcotics control unfinished. The provisions had suggested the gradual control over the manufacturing, importing, selling, distributing, and exporting processes of drugs, however, there was no agreement found about a comprehensive control mechanism at the international level to oversee countries' endeavours to reduce profits from the narcotics trade. The Hague had failed to meet expectations because of the disagreement over the extent to which the convention should promote the gradual suppression of (illicit) drugs manufacture and trafficking. Particularly for opium, a moral vanguard including the United States and China had favoured strong restrictions on its trade and consumption, while other powers (France, The Netherlands, Portugal, Japan) were hostile to an immediate suppression of the trade – and opted for a gradual limitation to allow some (medical and scientific) needs. Despite the increased awareness of the drugs problem after the First World War, there had been little change in country overall positions. Great Britain, which was slowly moving in favour of stronger international control system, was put in the position of having to achieve international consensus that would lead to the conclusion of a new set of agreements. Like the League, Britain was keen to have the United States as a participant in a new international regime, although its inclusion risked cumbersome negotiations.²⁰⁹

Malcolm Delevingne, the British Deputy Undersecretary of State for the Home Office and the Great Britain's representative to the Opium Advisory Committee, led the initiative to edge the League and its member states towards a plenary discussion of the opium question. According to McAllister, Delevingne pursued a 'doubled-pronged' approach whereby he suggested two international conferences, one dedicated to the problem of opium trade in East Asia, another one

²⁰⁹ McAllister, *Drug Diplomacy*, 56-58. Collins, "Breaking the Monopoly System," 773.

that focused on the output of manufacturing states. After the League's agreement, the two conferences were scheduled to follow each other during the last months of 1924 and first months of 1925. Delevingne's reasoning was that dividing the issue would increase the chances of success: the first conference would seek the end of colonial trade in opium in East Asia (as prescribed by The Hague Convention) whereas the second required an agreement between manufacturing states to control the production of opium to medical and scientific purposes – thereby tackling the problem of excess supply.²¹⁰

François-Xavier Dudouet has noted a paradigm of 'opium supply-control' in the agenda-setting for the League's opium conferences that would turn out to be the fundamental characteristic of the inter-war international opium mechanism. Supply-control was a political agenda that aimed to control (but not suppress) opium commerce by moving it into the hands of the state and large manufacturing enterprises. In other words, the creation of state monopolies for licit trade would assure a fairer competition between opium-producing countries. The European imperial powers were keen to crack down on those countries – such as Persia – that had sought to exploit the clandestine trade to enlarge their total share of production. This was seen as a higher priority than the US-backed request, to crack down on opium use and abuse by end-users (putting limitations both supply *and* demand). As Dudouet points out, the discussion about opium was less about the activity itself but more about the actors (authorities, suppliers, manufacturers) and share of government revenue involved in the process. The introduction of 'opium-supply-control' coincided with a development towards the creation of state monopolies in manufacturing and trade but had clear political implications, as a future international agreement could be instrumentalised to single out disreputable countries.²¹¹

²¹⁰ McAllister, *Drug Diplomacy*, 58-59. Collins, "Breaking the Monopoly System", 773.

²¹¹ « Le projet prévoyait une entente directe entre les entreprises fabriquant des stupéfiants afin qu'elles se répartissent le marché. Toute nouvelle entreprise prétendant par la suite participer au marché légal des stupéfiants aurait été contrainte de négocier sa quote-part avec les fabricants déjà sur le marché. Ce qui, pour un observateur de l'époque, ne constituait rien d'autre qu'une forme de monopole dans lequel il serait très difficile d'entrer une fois ce dernier institué ». From : Dudouet, François-Xavier. "La formation du contrôle international des drogues." *Déviance et société* 23, no. 4 (1999): p. 406. François-Xavier Dudouet, *Le Grand Deal de L'opium: Histoire Du Marché Légal Des Drogues*, (Paris: Syllepse, 2009), 74-78.

Delevingne had limited the United States' participation to the Second Opium Conference (17 November 1924 – 19 February 1925), to avoid a clash with the gradualist stances of the European powers. Britain's representative reasoned that an agreement on the curtailment of the supply of manufactured drugs during the Second Opium Conference would be sufficient to stymie American demands for a grand opium suppression scheme. This careful deliberation was a consequence of the British Cabinet's hopeless division on the issue of opium: Delevingne and his Home Office favoured vigorous international action that would amount to suppression of the illicit opium trade, including the quasi-legitimate use of opioids. In contrast, the Colonial and India Offices desired to tread carefully with any sudden suppression of illicit trafficking. For the Cabinet, the situation in India presented a thorny issue: its continued role in the clandestine opium trade was a blemish on the Government's reputation abroad, however, an excessive reduction risked further shifting the illicit trade elsewhere – notably to Persia. The British example marks both the difficult negotiation process at the domestic level and the fixation on the supply-side of opium – a focus on supply that was shared by all European powers with a seat on the League's Opium Advisory Committee.²¹²

The Second Opium Conference commenced on 17 November 1924, right after the First Opium Conference had concluded with significant delays. The First Conference had seen a series of diplomatic clashes but eventually led to a regional agreement on the restriction of opium trade through the means of government-run monopolies (and the reliance on import/export certifications). The First Conference, however, had set no clear roadmap for production limitations, which allowed countries such as Japan to develop their pharmaceutical industry rather than move towards the gradual repression of its manufactured opium supply.²¹³ Due to its general scope and wider participation – including Persia and the United States – the Second

²¹² McAllister, *Drug Diplomacy*, 60-63. Goto-Shibata, "The League of Nations, Washington and Internationalism in East Asia," 63. Dudouet, "La formation du contrôle international des drogues," 400-405.

²¹³ Goto-Shibata, "The League of Nations, Washington and Internationalism in East Asia," 62. McAllister, *Drug Diplomacy*, 68-69.

Opium Conference was to be of greater significance to the international opium control regime. The conference's chance of success was immediately put into question when the United States representation seized the initiative with a proposal to limit the production and trade of opium whilst cracking down on (domestic) consumption. This went far beyond what was agreed upon by the League's Opium Advisory Committee, a body that comprised chiefly European imperial powers. Although there was general support for the requirement of stronger control (with government import/export certifications) and some type of information-sharing and reporting mechanism (the future Permanent Central Opium Board), any notion of general prohibition – whether gradual or sudden – risked an end to the diplomatic proceedings. Lacklustre support for the American proposal resulted in the withdrawal of the United States from the Conference, but improved prospects for a final agreement, albeit of more limited scope.²¹⁴

What was the Persian attitude towards the Second Opium Conference? The recent historiography stresses the diplomatic wrangling between the United States and Great Britain, with some role granted to other European imperial powers, but is hushed when it pertains to the position and agenda of a producing-country such as Persia. At the conference, the Persian delegation presented a memorandum which described the opium situation in Persia, its significance to the agricultural sector and economy as a whole, and suggested that any curtailment of production and exportation of opium would have to be accompanied with international financial assistance. Furthermore, the Persian memorandum suggested the need for tariff and customs duties' autonomy – which was restricted by existing treaties. These, however, were country-specific measures that fell outside of the scope of the conference. Contrary to the European powers, it did not find the American suggestions unacceptable but set the discussion of a loan-programme and a consideration of crop substitution as conditions before its approval.²¹⁵

²¹⁴ Westel W. Willoughby, *Opium as an International Problem: The Geneva Conferences* (Baltimore: John Hopkins Press, 1925), 359-362. McAllister, *Drug Diplomacy*, 69-77.

²¹⁵ Willoughby, *Opium as an International Problem*, 256-257.

In addition, the American proposal kindled the Persian delegation towards the suggestion of an international inquiry into the situation of opium-producing countries. The Persian memorandum as well as documentation from other countries (Turkey, Yugoslavia, Greece and Egypt) had demonstrated the need to verify the reported facts, a general study of all aspects of production and traffic related to opium, and a consideration of the opium poppy replacement by other agricultural crops. Despite the eventual American withdrawal, the Persian suggestion found agreement within a sub-committee and the idea was moved forward as a resolution into the Final Act of the Second Opium Conference. This read:

‘The Conference asks the Council of the League of Nations to examine the suggestion which has been made in the course of its proceedings, in particular by the Persian delegation, that a commission should be appointed to visit certain opium-producing countries, for the purpose of making a careful study (...) of the difficulties connected with the limitation of the production of opium in these countries and advising as to the measures which could be taken to make it possible to limit the production of opium in these countries to the quantities required for medical and scientific purposes.’²¹⁶

The resolution indicates a general desire for an inquiry into the situation in opium-producing countries, however, the proceedings of the Second Opium Conference also reveal that the suggestion was primarily interpreted as one being about Persia. Another resolution, that was withdrawn from inclusion in the Final Act, dealt with the required measures for a reduction and control over opium production in Persia. The withdrawn resolution stressed that the conference did not have the discretion to decide on the matter of financial assistance, but stated that:

‘a case for inquiry has been made out and therefore recommends to the Council of the League of Nations that a Committee of Experts with the necessary qualifications be sent under the auspices of the League to make a full inquiry into the facts as stated in the

²¹⁶ *Extract from the Second Opium Conference, 19th February 1925, 12A-45255-45398, R801, LONA.*

memorandum as well as into the practicability of the proposed measures and their suitability for the attainment of the end in view.’²¹⁷

The Persian delegation, however, considered it was not able to accept a resolution which specifically concerned their country, without the agreement of Reza Khan’s cabinet. Although the Persian resolution was withdrawn, the more general resolution for an inquiry into opium-producing countries was maintained and would be taken up by the Council in the September session of that year. On the 2 September 1925, the Council requested the Assembly to place the issue on its agenda for further deliberation. The Assembly instructed its Fifth Committee (responsible for social questions) to examine the suggestion and draw up a set of recommendations. On the 25 September, the Fifth Committee reported that inquiry could be organised for the study of the production and export of opium production, after a request from the Persian representative had been submitted. Since the Fifth Committee had not received a similar request from other countries, it concluded that the inquiry should limit itself to the situation in Persia.²¹⁸

Since the Second Opium Conference laid the foundations for the opium inquiry into Persia, it is worth reflecting on how it came into existence. Specifically, what considerations moved the Persian delegation towards its suggested inquiry into opium-producing countries and ultimately a separate investigation into the situation in Persia? The delegation came to the Second Opium Conference with the expectation that under American and European pressure some measures of control on opium production would be agreed upon, however, it desired to make the case of a gradual implementation process as to avoid an immediate shock to the agricultural sector and the peasant population. The participation of the United States in a control scheme was of vital importance, as Persia looked at the Americans for the provision of financial assistance and expertise – a disinterested and reliable player as it had demonstrated with the Millspaugh

²¹⁷ Willoughby, *Opium as an International Problem*, 373.

²¹⁸ *Discussion at the 6th Assembly, Resolution and Report proposed by the Fifth Committee*, 25 September 1925, 12A-45255-46341, R801, LONA. *Note from Rachel Crowdy to Arthur Salter concerning the Second Opium Conference*, 2 October 1925, 12A-45255-47747, R801, LONA.

financial mission. Due to the United States' withdrawal from the Conference, a trade-off between gradual production curtailment in return for financial aid was no longer on the table and a sub-optimal alternative had to be pursued. At this stage, it becomes increasingly difficult to gauge why the Persian delegation persisted with the suggestion of an inquiry. There are three scenarios that can explain the decision-making process and why the Persians considered it the next best outcome:

First, the possibility that the Persian suggestion would find general acceptance among other producing countries (Turkey, Yugoslavia, Greece and Egypt). In other words, the prospect of an inquiry into all opium-producing countries would put no country at a disadvantage.

Second, a consideration that the establishment of an inquiry would require a large amount of time and potential delays which Persia could exploit to prepare for a gradual curtailment of illicit opium cultivation in the domestic market.

Third, the Persian Government's experiments with government warehouses and stronger state control could be further legitimised by way of the recommendations of an international inquiry commission.

The first scenario was difficult to achieve as few countries desired to take the initiative and invite an inquiry: it was more advantageous to protect the status quo than risk being singled out because of illicit opium production. The second and third scenarios, perhaps combined, make sense when the historical context is considered. Reza Khan's modernisation plans in the 1920s relied to a large degree on the state taking a more active role in the economy and therefore cracking down on the illicit production and clandestine trade of opium.²¹⁹ Given the consensus view that took root at the League's Second Opium Conference, which favoured greater (state) control rather than complete suppression, there was a potential alignment of political interests that could come to

²¹⁹ These were often in the hands of local leaders and tribal groups, sceptical of Reza Khan's power grab. See: Hambly, "The Pahlavi Autocracy," 225-228.

fruition with the help of the League's commissioners.²²⁰ The imperial internationalist context suggests that Persia's large share in (illicit) opium trade was unsustainable because it touched upon competing political and commercial interests: international pressure from imperial powers steered the country towards an investigation and a future reform-agenda, however, these outcomes would be concluded on Persia's own terms.

The composition

The League Assembly accepted the Fifth Committee's report on the Persian inquiry and adopted on 26 September 1925 a resolution that specified the object of the study, i.e. to examine the existing situation of opium cultivation and to consider how other crops could replace a proportion of the opium cultivation. More interestingly, the Assembly specified a three-person commission and their 'necessary qualifications': an individual to act as chairman (or president), 'an expert on the agricultural side of the problem' and a 'person having experience of business conditions and markets in the East and knowledge of transport problems.' The agricultural expert was to be appointed after consultation with the International Institute of Agriculture (IIA) in Rome.²²¹

The Assembly's resolution is worth picking apart, because of its idiosyncratic character that would set it apart from other (future) resolutions adopted by the League in the context of inquiry commissions. First, the resolution called for a study of the situation – a familiar phrasing for this type of resolution – but then imposed a precisely defined question about the type of knowledge to be gathered on the ground: 'the replacement of a proportion of this [opium] cultivation by other crops.'²²² This implied that the three-person inquiry would need to identify suitable crops and provide (statistical) data or present a reasoned argument to make a recommendation. In its application of knowledge and expertise, the commissioners appeared to have little discretion to set their own agenda.

²²⁰ McLaughlin and Quinn, "Drug Control in Iran," 487. McAllister, *Drug Diplomacy*, 76.

²²¹ *Note from Rachel Crowdy to Arthur Salter concerning the Second Opium Conference*, R801, LONA. The IAA was an international organisation established in Rome in 1905 to collect agricultural statistics.

²²² *Ibid.*, R801, LONA.

Second, the Assembly's suggestion for an agricultural expert and someone familiar with business and transport, is indicative of the technical expertise it considered as necessary to address the question of crop substitution. Such a consideration was uncommon for political inquiries (i.e. related to inter-state or territorial disputes), which would see a preference for a diplomatic representation. Perhaps it was due to the existence of the Opium Advisory Board, which gathered and discussed information on conditions in Persia, and the organisation of the Second Opium Conference, which had led to regular exposure and a better understanding of the local conditions. Yet, a better understanding of conditions in Persia did not stop the Assembly from using an oriental frame (a person with experience 'in the East') that masked the particularities of Persia.

Third, the consultation with an external body, the IIA, conveys self-awareness about the League's limitations in finding suitable expertise in certain fields. Although it would not be uncommon for the institution to rely on outsiders to suggest names of commissioners, chiefly government departments, the explicit mention of one (international) institution in a resolution is unconventional for an inquiry resolution. In the Assembly's view, the League possessed no sufficient agricultural expertise in-house; its reliance on another international organisation shows the expanding supranational network and the corresponding inter-institutional exchanges that occurred during this period.²²³

Finally, the Assembly's resolution made no reference to gender although it was taken for granted that only men could be considered for any of the three prescribed roles. This rationale would be extended to any of the supporting personnel. In a later communication, on 21 December 1925, this was seen as justified because it would be 'extremely inadvisable to take a woman into some parts of the country'.²²⁴ Ironically, it was Dame Rachel Crowdy, the head of the Social Section, who

²²³ The IIA was established in 1905 and thus preceded the creation of the League. The institution focused on the exchange of knowledge about agriculture and it occasionally took a different perspective from the League's agricultural experts, focusing more on the stabilisation of farmers' income. See: Federico D'Onofrio. "Agricultural Numbers: The Statistics of the International Institute of Agriculture in the Interwar Period." *Agricultural History Review* 65, no. 2 (December 1, 2017): 277–96.

²²⁴ *Letter from Rachel Crowdy to the Secretary-General concerning staff issues*, 21 December 1925, 12A-45255-48489, R801, LONA.

cautioned against the inclusion of any female staff. Thus, in theory nothing prohibited a female from taking part in the inquiry as commissioner, a designated expert or additional staff, however, in practice the idea was given no serious consideration.

On the 28 September 1925, two days after the Assembly meeting, the Council examined the resolution and made two important additions to the procedure. It identified the League's Secretary-General as the person tasked with the provision of a list of suitable candidates to serve on the inquiry – to be presented at the Council's December meeting. This meant the selection process would be handled by the Secretariat rather than the Council President – who effectively would have had to rely on his own diplomatic staff to piece together the inquiry team. Additionally, the Council suggested to approach the Persian Government concerning the expenses that would be incurred for the undertaking.²²⁵

Eventually, the financial burden would be carried in part by the United States, which had political implications for the inquiry's organisation. Before the Assembly meeting of September 1925, the United States representation to the Opium Advisory Committee²²⁶ had dropped a hint about the willingness of the US Government 'to pay at least some of the expenses' if in return it could have an American member on the commission.²²⁷ Rachel Crowdy, who at the time was already keen to have the Social section deal with the inquiry, saw a financial opportunity for her small Social Section: the American help could lessen the burden of what may 'be rather an expensive' inquiry.²²⁸

United States involvement, however, could not take place in an overt fashion. To this effect, the Social Section opened a line of communication with the Social Hygiene Bureau, an American organisation set up by John D. Rockefeller Jr. that funded social and public health research. The Bureau was part of a myriad of philanthropical work instigated by the Rockefeller Foundation; it

²²⁵ *Expenses of the Commission*, 12A-45255-45256, R801, LONA.

²²⁶ This was in a capacity of observer, as was common for United States' interaction with the League.

²²⁷ Correspondence between Rachel Crowdy and Eric Drummond, 19 May 1925, from: *Inscription of the question on the agenda of the 6th Assembly 1925*, 12A-45255-45255, R801, LONA.

²²⁸ *Ibid.*

had already set up cooperation with the League and the Social Section for women's and children's welfare. One of the Rockefeller Foundation's trustees, Raymond B. Fosdick, was a former Undersecretary of the League and had continued as an unofficial American liaison after the United States had failed to become a member. Fosdick secured the Bureau's financial participation but would also be instrumental in the search for an American individual to serve on the Persian inquiry.²²⁹

The search for three commissioners took place between late September and mid-December of 1925. The Social Section's involvement in the Persian inquiry, including its recruitment process, means there is ample archival information available, which helps to reconstruct the search for candidates and the considerations that were given to their expertise and overall professional suitability. Whereas selections handled by the Council President generally left little to no paper trail in Geneva, the Social Section's and by extension the Secretariat's thinking is palpable from the internal discussions concerning individuals that could serve on the Persian inquiry.

The Secretariat encountered no major hurdle in finding an agricultural expert to serve as one of the commissioners, after contact with the IIA. After a written request, Secretary-General Drummond had received two names of possible candidates from Rome: Professor Fridiano Cavara, an Italian botanist who had worked on the extraction of opium from the poppy and was familiar with colonial agriculture in Libya, and Mr Dascher, a Belgian engineer and agronomist who had spent several years working in Persia. The IIA's letter with recommended candidates did not indicate a preference but rather stressed the ability of both men to successfully conduct the chosen mission. Although the Secretariat favoured Mr Dascher's practical rather than botanical experience, Dame Rachel Crowdy cautioned that his ongoing work as 'a Government servant' made him a less suitable candidate.²³⁰ The Secretariat wanted someone with a practical approach to agriculture in Persia, however, without any direct government connections to a third

²²⁹ Ludovic Tournès, *Les États-Unis et La Société Des Nations (1914-1946)* (Berne: Peter Lang, 2016), 140-141. Theodore M. Brown, and Elizabeth Fee, "Raymond B. Fosdick (1883-1972): Ardent Advocate of Internationalism." *American Journal of Public Health* 102, no. 7 (July 2012): 1285-1285.

²³⁰ *Services of Mr Victor Cayla, member of the Commission*, 12A-45255-48406, R801, LONA.

country. Eventually, Professor Cavara was approached and accepted the assignment as agricultural expert.²³¹

In parallel, the Secretariat pursued a search for a transport expert. Ideally this commissioner would also dispose of knowledge about business conditions in the region. After a recommendation of the League's Transit Section, the Secretariat approached a British Major-General Candolle, who had had the opportunity to study transport problems in the Persian Gulf.²³² For the Secretariat, Candolle's professional background in railway development and exposure to the Persian Gulf region made him a suitable candidate. A possible drawback was the fact that he had performed aspects of his work in service of the British Government. The Secretariat showed caution to any candidate with strong British connections or being of British nationality – given British economic interests in Persia this could suggest partiality to outsiders. The caution did not refrain the Secretariat from approaching Candolle, although ultimately the candidate had to decline the invitation due to other engagements. The Secretariat briefly pursued a second option, a Canadian Brigadier-General and Chief Engineer of the Canadian National Railways, but the possibility was abandoned after progress had been made in the choice of the commission's chairman.²³³

The Assembly's resolution had not specified any specific skills for the commission's chairman, apart from having the capability to lead the inquiry. Since American financial involvement had been confirmed, only US citizens were approached for the task – with Raymond Fosdick at the Rockefeller Foundation arranging the initial contact. During November and December 1925, Fosdick pursued several avenues, including Norman Davis, who chaired a commission responsible for the Memel question, and Frank McCoy, who would later serve on the Manchurian inquiry. These initial attempts depict no detailed consideration given to the profile of the commission's chairman. However, a clearer image emerged by the beginning of December 1925,

²³¹ *Services of an agricultural expert, appointment of Professor Cavara*, 12A-45255-46962, R801, LONA.

²³² *Memorandum for Arthur Salter from the Transport Section*, 11 November 1925, 12A-45255-47747, R801, LONA.

²³³ *Services of a transport expert*, 12A-45255-47747, R801, LONA.

as the Secretariat noted that the 'the Americans would nominate a civil engineer' or someone qualified as a railway expert. This meant the Secretariat could begin to look for a third candidate with 'a knowledge of irrigation, if possible, with a knowledge of world markets'.²³⁴

Shortly afterwards, a railroad engineer and former vice-governor of the Federal Reserve Board, Frederic A. Delano, had accepted the nomination as chairman of the Persian inquiry. The Secretariat's attempts to find a third commissioner came to fruition when it found Mr Victor Cayla, a French agronomist who had worked on irrigation and cotton cultivation in North Africa. The three appointments enabled the Secretary-General to inform the Council's December meeting about the establishment of the inquiry, although the preparatory work was far from done.²³⁵

The above selection process of the three commissioners helps to bring together the Secretariat's approach towards expertise and knowledge. The Secretary-General's note to the Council emphasised the 'special' and 'expert' knowledge of the chosen candidates, as well as their suitability to study the opium situation in Persia.²³⁶ A Secretariat note stated the task of finding out 'the actual truth' and how the problem had to be handled with 'a scientific method'.²³⁷ What did this mean in practice? The Secretariat showed careful thought about the profiles as determined by the Assembly, a president (or chairman), agricultural expert and someone with knowledge of business and transport conditions, but also their character: 'to select persons not only distinguished for their expert knowledge but recognised as having unbiased judgment'.²³⁸ However, it quickly saw the limitations, in terms of available candidates and the division of roles between the three commissioners. There were no perfect candidates: those with the right professional (often colonial) background lacked sufficient exposure to prevailing conditions in

²³⁴ *Services of Mr Victor Cayla, member of the Commission*, R801, LONA.

²³⁵ *Services of the President of the Commission – Frederic Delano appointed*, 12A-45255-46885, R801, LONA. *Discussions at the 37th Session of the Council*, 12A-45255-48308, R801, LONA.

²³⁶ *Draft note by the Secretary-General*, 11 December 1925, 12A-45255-48308, R801, LONA.

²³⁷ *Letter to Raymond Fosdick*, 11 November 1925, 12A-45255-45256, R801, LONA.

²³⁸ *Letter from the Secretary General to Frederic A. Delano*, R801, LONA.

Persia. Alternatively, candidates who had spent time in Persia had generally done so in service of a government – which jeopardised the Secretariat's idea of an 'absolutely impartial' team.²³⁹

If a candidate's knowledge of value to the inquiry was obtained in a context of imperial and colonial administration, this could create a tension between expertise and impartiality. Given Persia's past encounters with foreign powers, a candidate commissioner with strong ties to an imperial administration (particularly British) was to meet resistance by the Persian delegation – a situation the Secretary-General was keen to avoid. The Secretariat's challenge in finding the right technical expertise coupled with a sufficient knowledge of the country was unlike any inquiry into political disputes – where the need of impartial expertise could be overlooked and replaced by representation on the basis of nationality. Finding a difficult balance also accounts for the fact that profiles remained changeable in the search for the right candidates. The Secretariat lived up to the Assembly resolution's expectations in a nominal sense, regarding required profiles, although the team lacked experience with working conditions in Persia.²⁴⁰

The inclusion of additional staff was beset with difficulty. Upon his acceptance of the assignment, Delano had emphasised the necessity of additional staff to complete the assignment. In a letter from 28 December 1925, he wrote: 'I would wish to surround myself with very competent aids, qualified to deal with different aspects of the problem.' Delano was eager to have at least two additional experts, even though he eventually settled for a 'specially trained agricultural economist as own personal assistant' who he was willing to pay for himself.²⁴¹ Although the Secretariat initially tried to bury the request, pointing out that the provision and choice of staff and experts was at the League's discretion, under some pressure of the Social Hygiene Bureau it eventually accepted the inclusion of an additional member.

²³⁹ *Letter from the Secretary General to Frederic A. Delano*, R801, LONA.

²⁴⁰ *Services of a transport expert*, R801, LONA.

²⁴¹ *Discussion about hiring an agricultural expert*, 18 January 1926, 12A-45255-46885, R801, LONA.

After agreement of the other commissioners, Mr Jewell B. Knight was appointed as Delano's personal agricultural expert – with the help of Raymond Fosdick.²⁴² A member of the US Department of Agriculture's scientific staff, Knight's expertise pertained to India rather than Persia; yet, his inclusion assuaged Delano's fears of insufficient staff and technical advice to complete the assignment. Delano's insistence may seem peculiar at first sight: did he hesitate over the other commissioners' expertise? In fact, he never doubted their ability but was directed with a 'sense of responsibility' and the desire to finish the inquiry within reasonable time: 'I think if each Commissioner has on his staff two or three high grade men, we shall not be over-supplied with intelligence in solving our very difficult problems.'²⁴³

The supporting staff was composed of a secretary to the commission (Chester Purves), who was sourced from the Secretariat, and a short-hand typist (Leslie H. Finden), a temporary employee who was appointed with the help of a personal recommendation. In addition, Frederic Delano had obtained agreement from the Secretary-General to employ a personal private secretary, although he was suggested to find an 'impartial' individual who had 'not been involved in any way in any of the controversies' concerning opium.²⁴⁴ Delano's view on the role was specific and not devoid of expectations: 'I am very short on the agricultural side, and I feel that I must have on my staff, first, someone who will fill the dual or triple capacity of counsellor, private secretary, legal adviser, preparer of a report, or at least the basis of a report, and considerable of a linguist'.²⁴⁵

Through Dean Acheson, an American lawyer and later Secretary of State, Delano found Archibald MacLeish, an American poet who was living with his family in Paris. MacLeish did not fit the

²⁴² *Letter from the Department of Agriculture on agricultural experts*, 3 February 1926, Frederic A. Delano Papers, Series 3-19, Folder IV, Roosevelt Presidential Library (hereafter FDR). In another letter, Delano stated that he wanted 'an American who has had experience in our arid Southwest with experimental and demonstration farms, irrigation, etc.' From: *Letter from Delano to Archibald MacLeish*, 16 January 1926, Frederic A. Delano Papers, Series 3-19, Folder IV, FDR.

²⁴³ *Letter from Frederic A. Delano explaining the staffing issue*, 28 December 1925, 12A-45255-46885, R801, LONA. Delano's worries about staffing; he had no doubt about 'the ability' nor 'men of very wide experience can be secured in Europe', but 'a great responsibility rests on my shoulders', 'I do not want to be defeated before I start'. From: *Letter from Delano to Raymond Fosdick*, 13 January 1926, Frederic A. Delano Papers, Series 3-19, Folder IV, FDR.

²⁴⁴ *Letter from the Secretary General to Frederic A. Delano*, R801, LONA.

²⁴⁵ *Letter from Delano to Archibald MacLeish*, Folder IV, FDR.

conventional profile of a personal secretary. He considered himself 'not an expert linguist', 'a very poor lawyer', and someone with no diplomatic experience.²⁴⁶ In a letter to Delano, MacLeish was candid about his lack of suitable skills and voiced strong opinions on a range of subjects, including opium: 'I am not interested in the suppression of the opium trade. I see no reason why Persia should sacrifice a lucrative income because persons in San Francisco are unable to smoke in moderation. And the English and American position seems to me to substantiate all that has ever been said about Anglo-Saxon hypocrisy.' MacLeish went as far as saying that 'I accepted, quite frankly, because I should like to see Persia' and felt 'a more devoted and a more skilled aid would better assist you in what will certainly be a most trying experience'.²⁴⁷ MacLeish made no attempt to present himself as the ideal candidate; yet, his atypical profile had the potential to jolt the inquiry team and bring unexpected outcomes. Delano provided no rationale for his choice of personal secretary, but his later diary entries imparted a strong appreciation of MacLeish's outspokenness.

The inquiry was scheduled to start with a series of initial meetings in Geneva and continue with travel to Persia and a stay of several months. Because of the temporary nature of the assignment, most of the inquiry commission's staff had to face difficult arrangements, such as obtaining agreement to take an absence of leave or leaving their family behind for a long period of time. As several examples demonstrate, this could have serious ramifications for the inquiry. Frederic Delano's wife suffered from a long-term illness which made him hesitant from leaving the United States. In early January 1926, Delano professed serious doubt to Fosdick about his participation in the inquiry and informed with regret Secretary-General Drummond about a possible delay to the work: 'I understand fully that you will not only be annoyed at this new turn of events.'²⁴⁸ Although Mrs Delano's health improved over the month, Delano's travel to Europe was postponed

²⁴⁶ *Letter from Archibald MacLeish to Delano*, 5 February 1926, Frederic A. Delano Papers, Series 3-19, Folder III, FDR.

²⁴⁷ *Ibid.*

²⁴⁸ *Letter from Frederic A. Delano to the Secretary-General*, 28 January 1926, 12A-45255-46885, R801, LONA.

for several weeks, which meant there would be less time to inspect Persian farming during the poppy season.²⁴⁹

The appointment for the Persian inquiry was far from a standardised procedure, despite the Secretariat's involvement and the criteria laid out by the Assembly from the outset. The League Secretariat gave serious consideration to the professional background and impartiality of candidates, the latter to avoid proximity to a government with interests in Persia. However, in practice the recruitment process was determined by compromises over relevant expertise and the availability of people. Financial considerations limited the possibilities for staffing, but also permitted that external actors (particularly the Social Hygiene Bureau) to have significant influence on the process. Lastly, the ad-hoc and temporary nature of the task meant that personal and professional motivations were drivers in the process: staff members had to consider the unique circumstances (distance; communication with family; disruption of work) before participation.

The inquiry

The first meeting of the Persia Commission was planned to take place in Geneva on 9 March 1926. In the weeks beforehand, the Secretariat and its Social Section worked hard to gather relevant literature, maps and any type of documentation that could be handy for the commissioners to examine the opium situation in Persia. This information-gathering from internal and external sources did not occur without its own challenges. As one contact with the Royal Geographical Society revealed, there was 'next to nothing likely to be of use' because many of the reports were 'locked up for official use only.'²⁵⁰ If any information existed about the country, for example railway schemes, it was in the hands of British authorities. Even if documents were available, those had to be handled with care because of British imperial interests in Persia: British plans were not necessarily aligned with the needs expressed by the Persian government, although the

²⁴⁹ *Letter from Archibald MacLeish to Delano*, Folder III, FDR.

²⁵⁰ *Documents collected for the Commission*, 12A-45255-48489, R801, LONA.

Secretariat gave no explicit consideration to source bias. The Social Section, however, pursued multiple avenues to obtain information about Persia, from learned groups, scientific reviews and magazines in the West.²⁵¹

In the end, much of the information gathered originated from internal sources, such as the Opium Advisory Committee. For instance, from the Japanese Committee delegate it obtained a *Survey of the present economic situation in Persia*, that gave indications of water availability and cultivation of various crops. The League's Persia Bureau could offer detailed information about travel conditions, the expected amount of work and liaison with local individuals. The Bureau's Director cautioned that local contacts were important, to avoid giving the impression 'the Commission went on behalf of foreign powers'.²⁵² The Secretariat had the additional advantage of having organised an inquiry in the region before: it could make use of the expertise gained from the Mosul Commission to inform commissioners about suitable clothing and vaccination.²⁵³ In general, the Secretariat was 'anxious to collect documents which may be of interest for [the commission's] preliminary work' but how important was this for the inquiry?²⁵⁴ Obtaining reliable sources of information was part of the League's overall aspiration towards knowledge production. However, none of the inquiry members had had the chance to study or visit Persia before, they were largely unaware of local conditions – a knowledge gap that could be partly resolved before the inquiry set off to Persia.

The first meeting in Geneva offered the Persia Commission an opportunity to meet its interlocutors at the Secretariat and the Persian delegation. On the 9 March 1926, the commission sat together to discuss a plan of work, while gathering impressions of the individuals on the team. Since no minutes of the initial meetings have been archived, the journals of Delano and MacLeish are a prime source of information here – albeit they are written from their subjects' point of view.

²⁵¹ *Documents collected for the Commission*, 12A-45255-48489, R801, LONA. With regard to bias, for example, British Major-General Candolle had worked in service of the British Government.

²⁵² *Minutes of meeting between Rachel Crowdy and the Director of the Persian Bureau of the League of Nations*, 2 December 1925, 12A-45255-45398, R801

²⁵³ *Various correspondence*, 12A-45255-45398, R801, LONA.

²⁵⁴ *Ibid.*

The commission's chairman, Delano, offers a succinct and descriptive account of the days spent in Geneva, dwelling over the people he met, and the food he consumed. He speaks positively about people on the team, including MacLeish (whom he's 'delighted' with), Mr Cayla (a 'vigorous' man; 'impresses me favourably'), but also the Secretariat's staff, including Dame Rachel Crowdy ('a most charming woman, who has a wonderful war record'). Delano is more reserved about his Italian colleague Professor Cavara, who appears as 'rather frail' and 'I don't think will bear much hard usage'. For Delano, the first meeting was an uneventful affair: it started with the discussion of a comprehensive syllabus compiled by Cayla and concluded with the reflection that a lot of work was to be done in Persia: 'As it looks to me, we are dealing with a people several hundred years behind the times (speaking agriculturally), and we must teach them to walk before they can enter a foot race.'²⁵⁵

In contrast, MacLeish offers brief but impressionistic bursts of writing about the people he encountered, with little attention to the contents of what was discussed in Geneva. This entry covers the (entire) day of the first meeting:

'The Commission is amusing. Add to Delano and Knight a sharp, practical, much travelled little Frenchman of forty-five, and a wizened, goat-bearded little old Italian (Cavara), with a whinny for a voice. If he can stand the sun, I'll eat him! Purvis is very practical, too. In fact, we are all practical. We are all wonderfully ready to accomplish nothing.'²⁵⁶

MacLeish's initial scepticism about the inquiry and the international opium situation shines through in his account of the days spent in Geneva. Although Delano did not share this exact view, there was perhaps common ground in the way they perceived the immense scale of the task ahead. From the start, Delano felt his job 'will be to pick out the essential high spots and leave the

²⁵⁵ Log entries for 5, 10 and 14 March 1926, from: *Delano's logbook of the Persia trip*, Frederic A. Delano Papers, Series 3-19, Folder V, FDR.

²⁵⁶ Diary entry for 10 March 1926, from: *Archibald MacLeish's diary of the Persia trip*, Frederic A. Delano Papers, Series 3-19, Folder VI, FDR.

other points for those who can take years to it', thereby acknowledging that a stay of several months in an unfamiliar country could only achieve limited results.²⁵⁷

A 'reconnaissance'

The Persian inquiry departed on the 12 March 1926, travelled eastwards to Trieste and then by boat towards Egypt. After stops in Cairo, Haifa, Beirut and Baghdad, the entire team crossed the Persian border in cars on the 24 March. In the following months, the League commission would visit all the major Persian cities including the opium production sites spread throughout the country. Apart from several stays in Teheran, the inquiry team visited Isfahan, Shiraz, Resht, among others, to meet with government representatives, merchants, landowners, peasants and villagers. Interviews and government statistics were two main sources of information, although commissioners would also collect their own data and work out plans (for example, related to future railway lines).²⁵⁸

In regions with extensive poppy cultivation, the commission met with opium dealers and inspected (government) factory sites where the drugs were prepared for sale and consumption. The inquiry split up in two groups, respectively travelling to the Western and North Eastern provinces of Persia, to cover as much ground as possible and inspect sites of cultivation in the span of a couple of weeks. In addition, the commissioners also had extensive meetings with the American financial mission led by A.C. Millspaugh as well as encounters with representatives of the Anglo-Persian Oil Company (APOC) – two major foreign representations in the country.²⁵⁹

Leisure was also part of the League commission's programme. For instance, the commissioners noted that on their visit through Abadeh and Sivand a stop was made at 'the ancient monuments of Achaemenian glory at Pasargadae and Persepolis'.²⁶⁰ Part of the inquiry team also witnessed the coronation of Reza Shah Pahlavi on the 25 April 1926. By late May, after excursions to the

²⁵⁷ Log entry for 14 March 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR.

²⁵⁸ *Commission of Inquiry into Opium Production in Persia: Report of the Inquiry Commission to the Council of the League of Nations* (Geneva: League of Nations, 1926), 6-7. Log entries for 21 and 23 April 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR.

²⁵⁹ *Ibid.*

²⁶⁰ *Commission of Inquiry into Opium Production in Persia*, 6.

North Western parts of the country and visits to cultivation sites around Teheran, the commission had completed its practical work and could leave Persia by the 6 June and via Alexandria return to Europe a couple of days later. On the 16 June, the inquiry team arrived in Marseille and travelled northwards to Geneva for its final deliberations and submission of the report.²⁶¹

The next paragraphs will explore the work and travel conditions of the League's commission, to examine in some detail which aspects influenced the fact-finding practices and the conclusions drawn out in the report, and link to the overarching imperial internationalist framework. These include, the relationship with the Persian Government, contacts with foreign governments and representations, the logistical and personal challenges faced while travelling in Persia, and the affinities between commissioners and staff.

First, the Persian Government displayed no signs of hostility towards the presence of the League's commission in the country. As part of the inquiry's overall expenditure, the government proposed to accommodate and nourish the inquiry at its expense, although the commissioners would have to make their own travel and luggage arrangements. There were no restrictions put on visits, and the commission was free to visit all centres of poppy cultivation and government factories. If needed, armed guards could be provided in regions deemed necessary. Moreover, the Persian delegation at the League suggested for the authorities 'not to draw up a programme, in order to leave the commission completely free as regards its inquiry'.²⁶² Consequently, the team never had any doubt about Persian goodwill, nor the impression it would interfere with the fact-finding process. This was evident from the fact that the Persian Government supplied the commission with various types of documentation and statistics, although the commissioners questioned a lot of the data for being incomplete or unreliable – no foul play was assumed.²⁶³

²⁶¹ *Commission of Inquiry into Opium Production in Persia*, 6-7. Letter from Chester Purves to Rachel Crowdy, 18 May 1926, 12A-45255-50384, R801, LONA.

²⁶² *Travelling arrangements*, 12A-45255-49323, R801, LONA.

²⁶³ *Ibid.* *Commission of Inquiry into Opium Production in Persia*, 38.

Second, the commission had regular encounters with foreign delegations, representatives, and private individuals – people who provisioned the inquiry with an outsider albeit not disinterested perspective. In truth, these encounters already started before the departure – as Delano’s meetings with people from the Social Hygiene Bureau demonstrate.²⁶⁴ During the visits in Persia, the commissioners held talks with members of the American financial mission and regularly participated in dinners organised by the British Legation in Teheran. Employees of APOC came across as valuable sources of information, as a Delano journal entry shows: ‘I soon learned that a Mr. Mayo, the geologist of the Anglo-Persian Oil Company, was on board. I met him and found him delightfully alert and direct young fellow. He promises to help us greatly with maps, information, etc., a splendid chance I think and a most fortunate rencontre.’²⁶⁵ From this and other encounters, there is evidence that the commission felt reliant on foreign representation and citizens to obtain information or insider knowledge it deemed reliable to grasp the situation in Persia. Although this fell short of direct interference, the perception of outsiders (nationalist of countries with foreign interests) meant that problems and solutions to the opium question could be informed by them instead of the Persian interlocutors. For instance, after its consultations the commission considered that Persia needed extensive infrastructure investments, including in railways to transport agricultural goods. Much of the infrastructure was in the hands of British companies; they stood to benefit from any recommended increase of public investment.²⁶⁶

Third, the travel and journey in Persia was not without risks, as well as logistical and personal challenges. A fire at the commission’s residence in Teheran destroyed personal and League property, including a typewriter which created delays in the provision of a draft report.²⁶⁷ The car transport regularly suffered from breakdowns, so it took the commission a lot longer than anticipated to reach destinations. Persia had a history of cross-cultural interaction, even though

²⁶⁴ *Correspondence with Raymond Fosdick (Social Hygiene Bureau) and Helen Moorhead (Foreign Policy Association)*, Frederic A. Delano Papers, Series 3-19, Folder III, FDR.

²⁶⁵ Log entry for 21 April 1926, from: *Delano’s logbook of the Persia trip*, Series 3-19, Folder V, FDR.

²⁶⁶ *Commission of Inquiry into Opium Production in Persia*, 28-31.

²⁶⁷ *Fire at the residence of the Commission in Teheran*, 15 April 1926, 12A-45255-50897, R801, LONA.

the country itself was largely impassable.²⁶⁸ On most days there was little time for much else than the inquiry, as Purves wrote to Rachel Crowdy: 'Wherever the Commission makes a halt in a town or village, the whole of our time is occupied either with the hearing of persons interested in the opium question or in visiting the fields and inspecting the crops.'²⁶⁹ The intensive programme combined with the climatic conditions led to frequent sickness and disease for staff members. For instance, Delano's agricultural expert, Jewell B. Knight, was unable to work for most of the assignment: 'he is a dead load instead of being a help to me and the commission.'²⁷⁰ Apart from the strenuous bodily experience, the occasional spell of homesickness cropped up. Delano's occasional correspondence with his wife made him long for a return: 'My spirits rise as I get nearer the end of this job interesting though it has been, on account of the many anxieties it has involved. I have hardly dared to count too confidently on the days but now I feel I am really "over the top" and see the end in sight.'²⁷¹ Meanwhile, MacLeish was 'getting a bit fed up with the diplomatic world – the world in which a man is a suit measured by his relation to the other similar units and not an individual under distant stars.'²⁷²

Finally, the strenuous working conditions could provoke tense relations between commissioners and staff. The productive dynamics of an inquiry could suffer under personal rivalries and open conflict between members, as future investigations would experience; however, neither the League archives nor journal entries suggest any such issues transpired in Persia. Problems presented themselves with regard to travel and weather conditions, rather than political disagreements and differences of personality. Delano's referral to a 'council of war' for discussing important decisions appears as a figure of speech, not grounded in facts.²⁷³ Discussion arose about the future agenda of the commission, but overall things took place in a cordial working environment. The commission's chairman mentioned how he and Cayla privately exchanged war

²⁶⁸ *Commission of Inquiry into Opium Production in Persia*, 9.

²⁶⁹ *Letter from Chester Purves to Rachel Crowdy*, R801, LONA.

²⁷⁰ Log entry for 17 May 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR.

²⁷¹ Log entry for 7 June 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR.

²⁷² Diary entry for 29 March 1926, from: *Archibald MacLeish's diary of the Persia trip*, Series 3-19, Folder VI, FDR.

²⁷³ Log entry for 17 April 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR.

experiences, whereas MacLeish referred to the delightful time he passed with commission secretary Purves.²⁷⁴

The most peculiar relationship was between Delano and MacLeish, as the former described the latter as 'a wonderful fellow and loveable, but very temperamental and at times difficile.'²⁷⁵ This had perhaps to do with MacLeish's frequent demarches and candid articulation of thoughts. In one letter to Delano, the poet spoke 'frankly and faithfully' about his views on the task, i.e. his worry that the commission might overstep its assignment and focus on the general economic conditions of Persia rather than the problem of opium production as defined by the Assembly. MacLeish feared that 'there should be persons in Persia who desire to use you for their own ends', referring here to foreign representations and imperial agents, and was adamant the inquiry should stick to a 'narrow and legalistic' interpretation of the problem, and 'a full statement of fact'.²⁷⁶ In a second letter he summed it up as follows:

'The League is interested in the solution of the opium problem and only very distantly in the Persian trade balance. If we present a report which is primarily concerned with Persian internal economy using our mandate merely as a point of departure for an attack on that problem our report will lose most of its international value.'²⁷⁷

MacLeish showed concern over the interests of imperial powers, such as Great Britain, that were eager to see the inquiry turn in a direction of general recommendations about Persia's administration, rather than restrict itself to the issue of crop substitution. Unfortunately, Delano's reaction to the frank expression of views by MacLeish cannot be surmised from the written correspondence, nor from the journal he kept. The only certainty is that the two Americans did not fall into a lasting disagreement over the issue; they retained a close working relationship until

²⁷⁴ Log entry 7 May 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR. Diary entry for 13 March 1926, from: *Archibald MacLeish's diary of the Persia trip*, Series 3-19, Folder VI, FDR.

²⁷⁵ Log entry for 10 June 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR.

²⁷⁶ *Draft report to Council: first letter from Archibald MacLeish to Delano*, Frederic A. Delano Papers, Series 3-20, Folder II, FDR.

²⁷⁷ *Draft report to Council: second letter from Archibald MacLeish to Delano*, Frederic A. Delano Papers, Series 3-20, Folder II, FDR.

the end. However, MacLeish' demarche is an apt illustration of the imperial internationalist context in which the inquiry operated and how competing interests are a factor to be considered in the frame of the investigation.

The decision to end the inquiry and return to Geneva was taken in early May 1926. Delano noted with satisfaction that his colleagues 'unanimously agreed' to leave Persia by early June the latest, even though privately Cavara had expressed his disappointment with this decision. A minor friction perhaps, but one that did not upset the commission's internal dynamics.²⁷⁸ At this point, Delano felt that the inquiry had done all it could feasibly achieve during its time in Persia, to provide a general assessment of the country's capacity to undertake reforms in the agricultural sector. In truth, other reasons may have played an important part as well: the hot summer climate drawing nearer, the distance from his wife, and the Secretariat's desire to end the expedition before funds ran out. By that time, the League's Secretary-General had already inquired with the Social Hygiene Bureau to increase its contribution, so any expenses made while the commission resided in Geneva could be fully covered.²⁷⁹

The report

The inquiry adopted a framework for its report during one of its last meetings in Persia, before travelling back to Geneva to do the lion's share of the work. Earlier, Delano had asked the League's Secretariat to provide him with copies of the Mosul and Rumbold Commission reports, League inquiries which had taken place in the previous years. According to Purves, 'his idea trying to use them as a sort of model for the drafting of our own effort.'²⁸⁰ This request was unusual, as most League inquiry reports relied upon their own structure and contents depending on the subject matter. Most likely, Delano wished to acquaint himself with the writing style and to meet the

²⁷⁸ Log entry for 16 May 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR. *Telegram from Professor Cavara to Delano*, 5 May 1926, Frederic A. Delano Papers, Series 3-19, Folder III, FDR.

²⁷⁹ *Commission of Inquiry into opium production in Persia: Expenses of the Commission*, R801, LONA.

²⁸⁰ *Note from Chester Purves*, 13 March 1926, 12A-45255-50384, R801, LONA.

League's expectations – however, it also makes a rare example of a learning experience between inquiry commissions, an experience that would seldom if ever be repeated.

On the 30 May 1926, the commission discussed a draft scheme and suggested outline of the report, prepared by Delano but also relying on work done by his secretary MacLeish, which included descriptions of individual chapters but was incomplete on the recommendations of the commission. Delano's draft papers, however, suggested an extensive programme for the rapid reduction of opium cultivation, as well as recommendations for the improvement of economic policy. This broad focus on Persia's future economic development came under criticism by MacLeish – as indicated in the previous section.²⁸¹

Generally, Delano's private secretary MacLeish played a palpable part in the preparatory work of the commission. He provided the President with his personal draft report, as 'an attempt to fix the limits' of the inquiry.²⁸² This was the point where the two Americans had disagreed about before: how broadly should the mandate of the commission be interpreted? MacLeish raised the issue of limiting the mandate once again – a section of the draft which Delano struck through – but also reflected on the broader nature of the opium problem:

'The question presented, as the Commission reads its mandate, is much broader. It is the question whether physical and social conditions in Persia are such that those elements of the population which are now supported in whole or in part by the cultivation of opium could be supported by the cultivation of other crops and whether, with the cultivation of such other crops the Persian Government could make good any part of its present income lost through the limitation of the opium crop.'²⁸³

Delano underlined this section of the text and included a note about industrial processes to complement the cultivation of other crops. He found himself in agreement with the section but

²⁸¹ Log entry for 30 May 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR. *Draft report to Council: Delano's draft report*, May 1926, Frederic A. Delano Papers, Series 3-20, Folder II, FDR.

²⁸² *Archibald MacLeish's draft of the report*, Frederic A. Delano Papers, Series 3-20, Folder III, FDR.

²⁸³ *Ibid.*

also considered this a concession made by MacLeish from his earlier, narrower approach to the commission's mandate. In his handwritten comments, Delano concluded that the report needed a study of the economic life of Persia, to provide a detailed picture to the League of Nations. MacLeish continued to offer his reflections on the drafting process of the report – Delano's notes confirm these were taken into consideration and may have been important to sharpen the President's thoughts in the preparatory process. It is therefore unsurprising Delano felt disappointment at having to release MacLeish from his duties by 1 July 1926 – so he could return to his family in Paris.²⁸⁴

Delano's private papers offer a detailed insight into the working process that led up to the publication of the report. Yet, the exact contributions of the other commissioners and staff members – except for MacLeish – are hard to gauge from both the private papers and Secretariat's files. The draft scheme from mid-May that was discussed in Persia, notes that the commission's secretary Chester Purves drafted the introduction, Archibald MacLeish wrote the part that explained the commission's interpretation of the mandate, and Victor Cayla prepared a section on irrigation. Cava's input is only implied in the section on crop substitution, where all commissioners have contributed to the overview of the agricultural situation. Sections on the general economic situation in Persia and the transport question, including roads and railways, appear to be drafted by Delano.²⁸⁵ Due to his illness, Jewell B. Knight's contribution was restricted to a separate, albeit detailed report on Persian agriculture; nevertheless, his writings were deemed as too 'extensive' to serve as a short technical document and were neither part of nor annexed to the final report.²⁸⁶

Although the source material suggests an imbalance of participation in the writing process, this cannot be taken as a definitive view on the overall discussion and influence on the final version

²⁸⁴ Log entries for 10 and 14 June 1926, from: *Delano's logbook of the Persia trip*, Series 3-19, Folder V, FDR.

²⁸⁵ *Draft report to Council: Delano's draft report*, Series 3-20, Folder II, FDR.

²⁸⁶ R802, 12A-45255-55598: Report by Mr Jewell B. Knight on Persian agriculture. The report was added to the Secretariat file but there is no indication of wide circulation.

of the report. In fact, the example of Cayla demonstrates how each commissioner had the opportunity to provide input until the last moment: the French member worried about statistical errors in the report and he could not settle his view on the effects of crop substitution for the financial position of peasants. In a letter to Delano, the commission's secretary Purves testified to this: 'I had a great deal of trouble with the final edition, as Cayla kept it a long time and raised a lot of objections to the French version.'²⁸⁷ The Secretariat, however, reassured Cayla stating there is no personal responsibility for the commissioners regarding the form of the report: since all personal contributions were discussed, accepted or changed, inquiry reports ('une sorte de mélange') never reflected an individual view.²⁸⁸ This view was also voiced by Delano, after publication of the report, when he described it as 'a composite product of three men of widely different experience' – perhaps overlooking the palpable contributions made by the other staff members.²⁸⁹

The report, submitted by the commission in July 1926, has four chapters which describe the geographical characteristics and economic history of Persia (chapter 1), the present economic conditions regarding the environment, agriculture and commerce (chapter 2), the situation of opium cultivation and its possible substitutes (chapter 3) and an overview of conclusions and recommendations (chapter 4).²⁹⁰ The next paragraphs examine the contents of the report, not in a detailed description of the four chapters, but by way of a closer analysis of the themes that connect to imperial internationalist context set out in the thesis. Therefore, the emphasis lies on understanding the role of agency, commissioner's choices made either through consensus or compromise regarding structure and language of the report, but also how opium is framed as an issue within a multi-level field of competing interests. The analysis consists of four parts,

²⁸⁷ *Comments by Mr Delano on the Report of the Commission: Draft letter from Chester Purves to Delano*, 5 May 1927, 12A-45255-59098, R802, LONA.

²⁸⁸ *Report of the Commission of Inquiry: Letter to Cayla concerning the French version of the report*, 21 January 1927, 12A-45255-53171, R802, LONA.

²⁸⁹ *Comments by Mr Delano on the Report of the Commission: Official communication of a letter from Delano as Chairman of the Commission*, 1 June 1927, 12A-45255-59098, R802, LONA.

²⁹⁰ In earlier drafts, a separate chapter was dedicated to the transport question (drafted by Delano). However, the final and published version shows the transport issue dealt with in multiple chapters.

beginning with an examination of how expertise and judgement are expressed in the report, followed by the commission's relation to facts and statistical evidence, then the commissioners' interpretation regarding the general economic conditions, and finally how the recommendations-section juxtaposes all the previous elements.

First, the commission's desire to appear scientifically rigorous is displayed in its preference for hard factual data and methodological guidelines. Unlike inquiry reports on political disputes, the Persian report commenced with a detailed note on weights and measurements as well as a section that explains how the commission went about its task: therein, it stresses the large collection of official and statistical data, the consultation of books and reports. Also the report mentioned a 'particular care to obtain information from and to consult the views, in all cities, villages and districts which it visited, of those best qualified to give an opinion and to furnish data on the problem of opium production.'²⁹¹ In the chapters of the report, expertise is represented in the many tables and statistical overviews, but also palpable from the language employed by the authors: the desire for 'precise data', a degree of 'accuracy', statements of 'facts' and an emphasis on the 'technical' study of the subject.²⁹² Additionally, the report reveals the commission's tendency to rely on foreign experts for the provision of information. The introduction specifically mentioned those foreign residents who 'furnished all possible information on matters political, economic, industrial and agricultural', but within the chapters there are also references to unnamed foreign experts.²⁹³ In all instances, these foreign nationals in the country were identified as experts, unlike their domestic counterparts – a clear sign of hierarchy at play. This showed the limitations of an investigation on the ground, if the inquiry chiefly restricted itself to interactions with outsiders, who could frame the problem from their (Western) perspective rather than a Persian one.

²⁹¹ *Commission of Inquiry into Opium Production in Persia*, 7.

²⁹² *Commission of Inquiry into Opium Production in Persia*, 15, 20, 33, 38.

²⁹³ *Commission of Inquiry into Opium Production in Persia*, 8. For instance, there is a reference to a French expert on page 45. This is also palpable in the Delano private papers (see FDR archival sources), with the mention of a German forestry expert and multiple British individuals.

Second, the relationship with the myriad of facts and statistics published in the report is more complicated than meets the eye. Despite the strong reliance on factual data in the report, the commission expressed doubts about the accuracy of its information. Regularly, the report concluded there is 'no information' available, because the commission was 'unable to obtain exact figures'.²⁹⁴ This is visible in the example of cotton, where the commissioners acknowledged they did not have any information regarding the crop yield but suggested a few pages later that an increase of cotton cultivation would be desirable. Although the commission doubted much of the Persian statistical data, it remained at pains to give a comprehensive and detailed picture of its proposed solutions to the agricultural situation in Persia.

The reasoning behind this choice can be distilled from the minutes of a commission meetings in July 1926, when the team discussed the problem with unreliable estimates. Cayla and Cavara expressed a worry that figures were based on estimates for which the commission could not accept any responsibility: the commissioners did not wish to lend authority to false information. Delano, however, defended the view that it 'was for the Commission to form an opinion on the basis of those estimates, but they could not take the responsibility of publishing them.'²⁹⁵ Tension arises from the fact that the inquiry felt obliged to make recommendations based on what it considered as flawed (and unpublished) data. A draft version in the Delano papers explained that 'the statistical data supplied were in almost all cases either so inexact or so contradictory', forcing the commission to rely on official publications and foreign sources.²⁹⁶ Much of the commission's conclusions on the agricultural situation were based on a limited amount of data gathered on the ground.

Third, the commission looked at the opium question from the point of the view of the whole Persian economy, as it felt the 'factors involved are too complex and too general for a solution

²⁹⁴ *Commission of Inquiry into Opium Production in Persia*, 17.

²⁹⁵ *Agenda of meetings and minutes of meetings*, 8 and 13 July 1926, Frederic A. Delano Papers, Series 3-20, Folder II, FDR.

²⁹⁶ *Draft report to Council: Delano's draft report*, Series 3-20, Folder II, FDR.

restricted to local production'.²⁹⁷ This view regarding opium as a comprehensive issue is present throughout the text, with broad recommendations on issues such as land titles, which are meant to improve 'the lot of the peasant' rather than immediately tackle the issue of poppy cultivation.²⁹⁸ Additionally, the commission framed these issues as ones pertaining to the modernisation of Persia: the criticism of 'primitive devices', the introduction of new measures 'in conformity with modern methods', but with the caution that 'Persia cannot hope to compete industrially with modern Europe and America'.²⁹⁹ As such, the inquiry sought to give a broader, civilisational argument as to why Persia should seek reforms beyond the substitution of crops. Within the binary of primitive and modern, the latter associated with Western civilisation, there is also a usage of language that indicates orientalism and racialised views. This is exemplified with the commissioners 'following in the steps of Alexander the Great, Marco Polo, Chardin and many other inquisitive European[s] [who] were privileged to undertake this voyage' and a discussion of physical appearances, labour quality according to race in Persia.³⁰⁰ In addition, a moralising tone can be identified in the report's disapproval of opium abuse, that brings 'moral damage' to communities.³⁰¹

The final chapter, with conclusions and recommendations, tied all the elements of the report together, with the suggestion that Persia should adopt a programme of gradual diminution of the opium poppy cultivation. In terms of language, there is noticeable rhetorical shift from suggestion to belief and conviction, that guised the underlying doubts over reliable data: the commission 'believes that' the development of certain industries will help to adjust the overall trade balance deficit, and is 'convinced that' better agricultural methods will be beneficial to the cultivation of other crops. Its 'reasonable programme of progressive curtailment' leaves no room for uncertainty: The commissioners suggested a preparatory programme of three years, to be

²⁹⁷ *Commission of Inquiry into Opium Production in Persia*, 43.

²⁹⁸ *Ibid.*, 36.

²⁹⁹ *Ibid.*, 20, 22, 53.

³⁰⁰ *Ibid.*, 8. Reference to race appears on page 34.

³⁰¹ *Ibid.*, 52.

followed by the start of a yearly reduction of 10% in opium production and accompanied by a general programme of road construction, irrigation projects and farm demonstration work. The report expressed the assumption that during the first five years there should be no decrease in government receipts, but it also acknowledged the illustrative nature of its suggestions – it was given as an example rather than calculated plan. Without a detailed costing of the suggestive programme, the commission's wording appeared as one of presumption and conjecture.³⁰²

In other words, the conclusion amplified the tension demonstrated in the previous paragraphs, between a commission keen to be taken as scientific and rigorous, but constrained by limited information and the speculative nature of its suggestions. Moreover, the recommendations were largely written devoid of the Persian context, i.e. a general plan for an opium-producing country – precisely as intended by the commissioners. Despite the extensive description of the Persian situation in the preceding chapters, there was little reference to the country's specificity in the final chapter – which read more as a general plan to modernise and reach a certain standard of civilised society. The inquiry had been established to investigate conditions on the ground, but personal agency, hierarchy and the political context had driven it to an examination of Persia's capacity to transform its economy. In the imperial internationalist frame, the inquiry had become an attempt by international actors to prompt Persia's actions both in the narcotics trade and its economic relations with the rest of the world, by way of statistics and a 'reasonable programme'. Persia's compliance, however, was not set in stone.

Aftermath

The Persian Government did not hold off its response to the League inquiry. In letter dated 1 June 1926, while the commission was still present in the country, it expressed appreciation to Delano for the execution of the task and the 'open-minded attitude' of the commissioners.³⁰³ The government indicated that it would take immediate measures to reduce the opium production to

³⁰² All references from the conclusion: *Commission of Inquiry into Opium Production in Persia*, 54-56.

³⁰³ *Letter from the Persian Government to Delano thanking the Commission for the work they have done*, 1 June 1926, 12A-45255-52290, R801, LONA.

legitimate requirements – like the three-year programme eventually proposed by the commission – extend highway and railroad construction and support the substitution of crops. The letter was communicated before the commission had ended its work in Persia and started the final work on its report, which suggests it was meant as a pre-emptive and autonomous move by Persia to enact reforms and show compliance with the international regime. However, the letter also highlighted that the government and the people ‘desire no foreign loan for the eventual completion of this program’.³⁰⁴ This had been a request at the Second Opium Conference, but the change of the Persian view shows to what extent the government agenda (set by Reza Khan) had shifted towards national sovereignty and far-reaching state control over the economy: the reform programme was conceived as part of a larger modernisation plan for Persia that would occur without any external aid, to keep foreign influence at bay. While the government was keen to receive a draft report of the commission before official publication, it had already decided on a course of action, even before the League would consider solutions to the situation in Persia.³⁰⁵

The League’s Council came to consider the report only in March 1927, after the French translation and printing of the report had caused several delays. In early March, the Persian Government submitted a more detailed analysis of the inquiry’s report, that would inform the upcoming Council discussion. In its communication and during the Council session, the Persian representation repeated its appreciation for the commission’s work and expressed its overall agreement with the view that a reduction in production was necessary, but questioned some of the calculations and reasoning provided by the commissioners. In brief, one critique was targeted at (moralising) statements in the report on opium production ‘unsupported by figures’, another questioned the lack of attention to the international scope of the problem – production in other countries but also Western demand.³⁰⁶

³⁰⁴ *Letter from the Persian Government to Delano thanking the Commission for the work they have done*, R801, LONA.

³⁰⁵ *Discussion about Persian observations on the draft report*, 12A-45255-52290, R801, LONA.

³⁰⁶ *Discussions at the 44th Session of the Council*, March 1927, 12A-45255-57966, R801, LONA..
Observations of the Persian Government on the report, 4 March 1927, 12A-45255-56596, R802, LONA.

The government stressed the pressing nature of the problem at an international level, i.e. the current level of production in the world greatly surpassed medical requirements and could not be immediately halted even if all producing countries imposed restrictions. Persia showed willingness to control its supply through a restriction on production and the implementation of an opium import certification system. However, it cautioned about major reforms due to limited room in the government budget. Additionally, the government asked for an assurance that it would receive greater tariff autonomy, which would enable the country to develop its industry. The latter request was indicative of Persia's agenda vis-à-vis the League and other countries: more than a curtailment of opium production, it sought to strengthen its national sovereignty and implement changes that primarily would be to the benefit of the Persian economy.

The Council discussion was cut short as its President suggested that the Assembly meeting of September 1927 would offer a better platform to discuss the pursuit of Persia's reform programme and the overall situation of opium production. Nevertheless, the Assembly gathering did little more than provide lip service to the 'valuable work' of the commission: The Assembly's Fifth Committee suggested attention to the 'principle of curtailment' for all producing countries and praised the experiment of sending a League inquiry to Persia but offered nothing in terms of an elaborate policy in response to the report.³⁰⁷ In other words, Persia was given a free pass to pursue its own agenda regarding opium production – there was no palpable pressure from the League to impose any of the specific recommendations made by the commission. Persia's pre-emptive acceptance of a curtailment was considered as a sufficient step and perhaps served as a distraction from a thorough consideration of the situation in the country. Likewise, the League's Opium Advisory Committee only scratched the surface of the issue – it noted some regret about the limited reduction in the preparatory programme suggested by Persia but was pleased with the government's plan to ratify the 1925 Geneva Opium Convention – one outcome of the Second Opium Conference. The committee's emphasis lay on a formal adherence to general restriction of

³⁰⁷ *Discussions at the 8th Ordinary Session of the Assembly*, R803, LONA.

the illicit production and trade of opium; this meant a supply-side focus with little regard for the reforms that would be undertaken by the Persian Government.³⁰⁸

How did the opium situation in Persia change in the following years – and to what degree did the inquiry provoke a change in the government’s policies? There is general agreement in the scholarship that Persia took several steps towards closing legal gaps, notably with legalisation that required state licenses and penalised the smuggling of illicit opium products. However, the government monopoly that was created through licenses and additional bureaucratic control did not directly serve the purpose of supply control – as desired by the League and a number of imperial powers. Rather, as McLaughlin and Quinn have argued, ‘the history of this period shows revenue production gradually emerging as the dominant purpose’ through the state monopoly on opium.³⁰⁹

There is no indication that Persia’s opium cultivation significantly decreased in real terms in the following years. Rather, the improved control system meant that previously clandestine production and trade now passed through the hands of the state – consequently with an increase in government revenue. This was a welcome development for the Reza Khan Pahlavi regime, since the improved tax collection and state monopolies on agricultural products (including opium and some of its substitute crops) furthered the *étatist* agenda – not requiring a foreign loan to make investments. More than anything else, the Persian Government sought to strengthen its security and independence vis-à-vis outsiders. Road construction and industrialisation were pursued to the extent they served this agenda, kept foreign commercial actors at bay, and helped to eliminate any domestic opposition. For K.S. MacLachlan, ‘[i]t has been suggested with some truth, that Riza Shah's concern with the economy arose solely from his preoccupation with military requirements.’³¹⁰ As a result, opium production was moved into licit trade but largely left unbridled, in Persia but also elsewhere, despite the international control regime instituted by the

³⁰⁸ *Discussion at the 19th Session of the Opium Committee*, September-October 1927, 12A-45255-62821, R803, LONA.

³⁰⁹ McLaughlin and Quinn, “Drug Control in Iran,” 488.

³¹⁰ MacLachlan, “Economic Development, 1921-1979,” 612.

League. Supply control had achieved no change in actual production curtailment, only a shift from illicit to licit trade, which caused problems with excessive stock through the 1930s and was mirrored in other opium-producing countries. In fact, the unbalanced focus on supply-control had done little to decrease opium demand, nor stop manufacturers from moving their drugs production elsewhere – a development which was recognised at a League Opium Conference in Bangkok in 1931 although no solution would be found during the next decade.³¹¹

In light of the developments after the inquiry's visit, Rachel Crowdy's mention in a 1927 publication of 'an amazing offer was made by the Persian Government' towards the reduction of opium production, following the inquiry, may have been too optimistic a statement.³¹² The country pursued the reforms desired by the League only to the extent these were aligned with its domestic agenda of national revitalisation – for Reza Khan Pahlavi a return to 'former greatness'.³¹³ Since the inquiry only constituted a brief assignment in the careers of the commissioners, their views on the aftermath of the inquiry are hard to obtain. Delano's archives reveal some correspondence with the Council of Foreign Relations regarding a talk he gave after his trip to Persia, but few of his later writings explicitly refer to his time spent working for the League. In relation to the inquiry, Delano only noted (consistent with his previous views) that the work 'was intended evidently as an economic study of Persia, but became more in the nature of a reconnaissance or preliminary survey rather than a complete investigation', thereby acknowledging the limited potential of the study as well as 'inadequacy of definite data'.³¹⁴

The aftermath shows how the League inquiry had provoked a discussion about opium production but failed to materialise into a sustained effort to tackle the problem of excess production in Persia. From an imperial internationalist perspective, competing interests had raised pressure on Persia to step in line with an international regime, but failed to impose their will on Reza Khan's

³¹¹ Hambly, "The Pahlavi Autocracy," 225-229. Hansen, "Learning to Tax," 104-106, Windle, *Suppressing Illicit Opium Production*, 36-37.

³¹² Crowdy, "The Humanitarian Activities of the League of Nations," 155.

³¹³ McLaughlin and Quinn, "Drug Control in Iran," 488.

³¹⁴ *Correspondence with the Council of Foreign Relations*, Frederic A. Delano Papers, Series 3-19, Folder III, FDR.

domestic agenda. The inquiry had led to a brief discussion about opium trade, focused on one country, but did not provoke a wider consideration of the inadequacies of a supply-control regime. A second inquiry into opium, organised in 1930 to underpin the Bangkok Opium Conference one year later, investigated a wider range of countries in East Asia but similarly did little to change the international legal framework for narcotics.³¹⁵ As a result, the establishment of the Persia inquiry in 1925-26 should be considered as timely at most, in the context of the political configurations at the domestic and international level. In hindsight, it took place because the Persian Government wanted a form of international legitimacy for its wider agenda of national revitalisation; from the League's perspective, it created the verisimilitude of genuine efforts to combat illicit production and trading of narcotic drugs. In practice, the quest for knowledge and truth about opium production in Persia may have been exclusively driven by political calculations in Persia and abroad.

Conclusion

The League inquiry into opium production in Persia came into existence due to a coalescence of historical developments during the nineteenth and early twentieth centuries. Contingencies and the financial appeal of a cash crop made opium into a widely cultivated and exported product – to the detriment of investments in more intensive parts of the agricultural sector. The opium poppy became a symbol at the forefront of politics when Persia sought to regain its standing at the regional and international level – marked by the rise of Reza Khan Pahlavi – and reduce the influence of foreign powers on its domestic and foreign policy. Through the imperial internationalist framework, this chapter has concentrated on examples of political contestation and diplomatic bargaining at both the domestic and international level.

Reza Khan's plans for national revitalisation and silencing domestic opposition were reliant on additional government revenue gained from opium – through the monopolisation of agricultural

³¹⁵ *Commission of Inquiry into the Control of Opium-Smoking in the Far East* (Geneva: League of Nations, 1930).

crops. In the 1920s, the strengthening of national sovereignty was pursued through a dual policy; on the one hand strengthening ties with the United States (as a counter-balance to a century of British and Russian influence) and on the other hand finding a distinct voice in the international arena (most notably through the League of Nations). Power relations and political contestation were essential in the creation of the international narcotics regime from the early twentieth century onwards, the result of a diplomatic struggle between abolitionist countries such as the United States and the more permissive European imperial powers. The outcome was an international legal framework that focused on the supply control of illicit narcotics drugs; through the League, pressure was raised on opium-producing countries to crack down on the black opium market, but little was done to tackle the wider problem of excess (licit) production. Quite the reverse, the succession of international conferences and conventions strengthened the hold of state monopolies over the production process of narcotics drugs.

Opium served as a diplomatic tool for Persia in the 1920s, a means to let its voice be heard in the international arena. Although the Persian suggestion for inquiry into opium-producing countries was initially made to attract financial help from abroad, instead, it became a mechanism to legitimise a domestic reform agenda. The pressure to cut back on illicit production, resulting from the powers that made up the international narcotics regime, was kept at bay. Instead, Persia's cooperation with the League through an inquiry gave it the autonomy to set its own agenda in the aftermath of the investigation, no longer dependent on financial assistance. The individuals on the Persia Commission, chosen by the League's Secretariat, remained unaware of the complex diplomatic game they were thrown into. Only MacLeish took a critical approach to the outside interests that were being served in the inquiry.

The League's Social Section and to some extent the wider Secretariat supported the inquiry in its establishment and preparation for travel. The League's search for commissioners was a process of compromise but followed criteria of profession and expertise that were set out by the Assembly. However, the Social Section was a minor part of the Secretariat and the ad-hoc

recruitment of individuals meant there was little in terms of continuity – although the inquiry was to inspire a second inquiry in East Asia several years later. In the end, working conditions on the ground were to a large extent conditioned by the specificity of the country and the agency of the chosen candidates. League interests in the inquiry were complicated because of American financial interests in the success of the undertaking – although it is unclear how the Social Hygiene Bureau evaluated the results of the cooperation.

The inquiry's findings revealed a tension between the precise mandate set by the League's Assembly and a larger desire expressed by the commissioners to address Persia's economic and societal problems. A civilisational standard was palpable in the report, by way of linking the ubiquity of opium with moral and racial deficiencies of the country and its population. The commission's report was a composite document, built upon the expertise gained from previous work in the colonies and foreign expertise in Persia, that reflected imperial idioms, modes and repertoires but was based on a limited amount of statistical evidence. Its conclusions were a compromise to the extent that commissioners as agents on the ground – particularly Delano and MacLeish – may have differed over the extent to which the commission should recommend an economic transformation of the country. The inquiry settled on a gradual reform programme which earned the consent of the Persian Government. The commission's fact-finding mission as well as its recommendations were to be taken as a blueprint for other countries.

The report never turned out to be crucial to the entire undertaking, as Persia had agreed to a reform programme before the findings were written down and made public. The pre-emptive move by the Persian Government gave it agency over the outcome of the inquiry process. Was the commission's presence sufficient to put pressure on Persia? Although the report sparked some international attention, it mostly served to legitimise a Persian reform agenda. Rather than crack down on the production and consumption of opium, the reform agenda was made a cornerstone of the state-led development of the economy and infrastructure. While the inquiry may have

instigated a number of legal changes, related to narcotics, its largest effect was perhaps unintended: it strengthened Reza Khan's grip over revenues gained from the cash crop.

The mixed outcome of the League efforts to curtail the production and trade of opium make it hard to determine the place and legacy of the inquiry. Delano rightly and consistently perceived the investigation as a limited reconnaissance rather than an exhaustive study. The Persia Commission lacked the knowledge of local conditions and the time to commit to a study that could paint an accurate picture based on a variety of local sources. The general blueprint served a political purpose of highlighting Persia's need to modernise, but did little to change domestic policy or strengthen restrictions on narcotics supply. The League's mechanisms, legal and investigatory, provided no means to stop the excesses in production that would be created under a state monopoly in the 1930s. Its actions were constrained by domestic agency as well as competing interests at the international level over the type of international narcotics regime, developments that gave rise to League action in the first place.

4: The Inquiry Commission for Slavery and Forced Labour in Liberia

Opening the closed door

“It is one of the ironies of history that Liberia, which was established nearly a hundred years ago as a haven for the Negro race, should now be found guilty of the most distressing traffic in human beings that has been revealed in recent years.”
(Raymond Leslie Buell, “The Liberian Paradox”, 1931)

“I had been afraid of the primitive, had wanted it broken gently, but here it came on us in a breath, as we stumbled up through the dung and the cramped and stinking huts to our lampless sleeping place among the rats. It was the worst one need fear, and it was bearable because it was inescapable.”
(Graham Greene, *Journey Without Maps*, 1936)

Introduction

In 1929 the recurring allegations of forced labour and practices analogous to slavery in Liberia pushed the independent black republic towards international scrutiny in the form of an inquiry. A commission was established with the participation of Liberia, the United States and the League of Nations to confirm on the ground whether rumours about the transport and abuse of labourers as well as slavery were true. Allegations had surfaced in several publications written by European and American travellers, academics and the British Anti-Slavery Society in the 1920s but the matter gained importance when Thomas Faulkner, a former presidential candidate for Liberia, claimed there was ongoing and wide-spread abuse of labourers for private profit, a system sanctioned and encouraged by government officials.³¹⁶ Under pressure of the US State Department and with eventual participation of the League of Nations, the Liberian Government conceded to the organisation of an international inquiry composed of three men.

Although the scandal that erupted over slavery and forced labour had a domestic character, it became internationalised for three distinct reasons. First, part of the allegations concerned the export of labourers to the Spanish-controlled island of Fernando Po, therefore another country

³¹⁶ John H. Harris, “‘Slavery’ in Sierra Leone,” *The Times*, 7 September 1927. Raymond Leslie Buell, *The Native Problem in Africa* (New York: MacMillan, 1928). Wright, Quincy. *Review of The Native Problem in Africa*, by Raymond Leslie Buell. *Political Science Quarterly* 44, no. 2 (1929): 276–79. “Commission Would Halt Liberian Election Frauds.” *The Baltimore Afro-American*, 27 July 1929.

was affected by the matter.³¹⁷ Second, leading black intellectuals in the United States, among others W.E.B. Du Bois, Georges Schuyler and Marcus Garvey, showed strong concern with the fate of Liberia, a rare example of an independent black republic governed by a group of descendants of American slaves.³¹⁸ Third, Liberia as a member of the League of Nations had signed up the Convention to Suppress the Slave Trade and Slavery of 1926, although it had refrained from ratifying the agreement until the labour scandal broke out.³¹⁹

The convention was a fruitful outcome of a League initiative to gather more information over the treatment of the native labourers in Africa, particularly for public purposes, although the European colonial powers lobbied to have all enforcement mechanisms scrapped. However, the watered-down convention still had consequences, albeit uneven, as it strengthened the League's hand to keep the forced labour question 'before the public' and forced colonial administrations and governments to legally abolish all forms of slavery.³²⁰ Forced labour and practices analogous to slavery still existed in many parts of Africa, but when it came to an actual investigation to collect evidence, this only occurred in Liberia, a display of the unequal treatment of an independent republic as opposed to the surrounding mandates and colonial territories controlled by major European powers.³²¹

The internationalisation of the Liberian scandal, aided by external public and diplomatic pressure as well as international law, also had profound domestic consequences for the ruling political class and the administration of the country. As this chapter will show, it resulted in high-level

³¹⁷ Ibrahim K. Sundiata, "Prelude to Scandal: Liberia and Fernando Po, 1880-1930." *Journal of African History* 15, no. 1 (1974): 97-112. Fernando Po is known today as the island of Bioko.

³¹⁸ Frank Chalk. "Du Bois and Garvey Confront Liberia: Two Incidents of the Coolidge Years." *Canadian Journal of African Studies / Revue Canadienne Des Études Africaines* 1, no. 2 (1967): 135-42. Tamba E. M'bayo "W. E. B. Du Bois, Marcus Garvey, and Pan-Africanism in Liberia, 1919-1924." *The Historian* 66, no. 1 (March 2004): 19-44.

³¹⁹ "Slavery Convention, signed at Geneva on 25 September 1926," United Nations Human Rights, accessed 15 august 2016, <https://www.ohchr.org/en/professionalinterest/pages/slaveryconvention.aspx>.

³²⁰ Suzanne Miers, "Slavery and the Slave Trade as International Issues 1890-1939." *Slavery & Abolition* 19, no. 2 (August 1998): 28-29.

³²¹ *Ibid.*, 29. Renee Redman, "The League of Nations and the Right to Be Free from Enslavement: The First Human Right to Be Recognized as Customary International Law - Freedom: Beyond the United States." *Chicago-Kent Law Review* 70, no. 2 (December 1, 1994): 780-785.

government resignations and spurred a discussion about foreign supervision of reforms of interior administration in the aftermath of the commission's report. The League investigation laid bare an extensive system of forced labour for public and private purposes that provoked outrage upon the publication of the report; apart from the Italian campaign in Abyssinia in the late 1930s, this made it a major example of a labour scandal in the twentieth century.³²² While the Abyssinian case is well documented by major scholars working on the history of slavery, there remains a palpable gap when it concerns Liberia.³²³ It is treated as a separate subject, encapsulated in the historiographical writings on the African-American diasporic community. Yet, many of the case's characteristics, the civilisational discourse and the investigative and supervisory modalities pursued by the League, speak to the literature on slavery, but equally the League's 'sacred trust' with Africa and the international governance of mandates. As such, the Liberian case should be considered as a logical connection between the discussions concerning the 1926 Convention and the Italian invasion of Abyssinia.³²⁴

While the labour scandal forms the main focus on the chapter, there is a longer history of Liberia that created conditions of multi-level political contestation, encountered by the League's inquiry commission when it undertook its investigation in the spring of 1930. In a first part, the chapter will elaborate on how the young republic fell victim of tensions between the American arrivals who settled on the coastal lands and the native interior population. The young republic had few means for (industrial) economic development and limited resources it could process and export. During the early twentieth century, Liberia encouraged the export of its labourers: by way of a

³²² For example, the *New York Evening Post* opened with the Liberia scandal as 'world object of scrutiny' on 29 June 1931, as an investigator was sent to see whether conditions had improved after the League inquiry. See: George S. Schuyler, "Liberia Clings to 'Slavery,' Survey Shows," *New York Evening Post*, 29 June 1931.

³²³ Anti-slavery internationalism saw many initiatives in the late nineteenth century and led to several collaborative efforts, such as congresses and periodicals. See: Daniel Laqua, "The Tensions of Internationalism," *The International History Review* 33, no. 4 (2011): 705-726. Suzanne Miers, Kevin Grant, Jean Allain and Amalia Ribi Forclaz cover the history of slavery in the twentieth century in more detail, although leave Liberia unmentioned in their accounts (see bibliography for full references).

³²⁴ Liberia only makes sporadic appearances in the League historiography. Callahan mentions the republic in the context of a possible mediatisation (*A Sacred Trust*, 58-60), whereas Pedersen only mentions it as an independent League member not under white rule (*The Guardians*, 113).

legal agreement the hinterland population could go to neighbouring countries and take up temporary employment.

Many years later, when Francis Walters described Liberia as a ‘poor and neglected African step-child of the United States’ during this period³²⁵, he overlooked the assertive policies the US conducted in the 1920s and the intensity of diplomatic contacts, related to sanitary help, financial administration, communication technology and economic enterprise.³²⁶ Rather, as Hassan Sisay has argued in his book and this chapter will demonstrate, the US State Department regularly engaged with Liberian affairs in a way which can be described as active and paternal – which left it exposed to criticism from the African American press at home.³²⁷

The United States had taken a more pro-active foreign policy (‘the open door’) and encouraged its private companies to invest in Liberia, to the detriment of European trade interests. In an example detailed in this chapter, the United States Firestone Company gained a foreign concession on rubber in the 1920s, in return for extending a private loan to the Liberian Government. Firestone’s activities in Liberia boosted demand for domestic employment; this competition and allegations of abuses (concerning forced labour) necessitated the government to end its legal agreement for the export of labour to neighbouring countries. However, government officials and private individuals kept a lucrative, clandestine system running to forcibly export labourers to other parts of West Africa.³²⁸

Domestic tension was a consequence of Americo-Liberians who took advantage of native labourers but was aggravated with the involvement of the United States, because of the open door policy and the Firestone investments. Allegations of forced labour and conditions analogous to

³²⁵ Frank P Walters, *A History of the League of Nations* (London: Oxford University Press, 1952), 568.

³²⁶ See *Foreign Relations of the United States* (FRUS) for the period 1926-1932.

³²⁷ Hassan B. Sisay, *Big Powers and Small Nations: A Case Study of United States-Liberian Relations* (University Press of America, 1985), 54-55.

³²⁸ Fred Van der Kraaij, “The Open Door Policy of Liberia. An Economic History of Modern Liberia.” Doctoral Thesis, Tilburg University, 1983. Melvyn P. Leffler, *Safeguarding Democratic Capitalism: U.S. Foreign Policy and National Security, 1920-2015* (Princeton: Princeton University Press, 2017).

slavery led the US Secretary of State to act – partly out of protection of economic interests. The Liberian Government initially refused all claims but eventually caved in to the suggestion of organising an international commission, formally under the auspices of the League with the participation of the United States and Liberia. In the US, the prospect of an investigation sparked a wider debate over the black republic's capacity to organise its own affairs and its future as an independent country. The internationalisation of the labour scandal through the League of Nations created an additional source of contestation, between a small republic trying to preserve its autonomy and major foreign powers keen to extend their authority under the veil of administrative reforms. As W.E.B Du Bois summed it up: '[Liberia] needs expert advice; but expert advice from white men, accompanied by invested capital, means loss of political power. And Liberia is jealous of her independence – jealous and proud.'³²⁹

This chapter on the League's involvement in Liberian affairs through inquiry elucidates how the dispatch of the inquiry commission occurred in an imperial internationalist context dominated by multi-level power entanglements: on the local level, the competition between Liberian elites and the hinterland population over who should rule, on the national level the pressure exerted by the United States on the republic, through economic and diplomatic means; and finally, the League that questioned Liberia's capacity to manage the administration of its interior territories. The inquiry and its aftermath turned into a debate hinged upon a standard of civilisation: whether white supervision was deemed as necessary, through technical assistance or a rumoured mandate over Liberia. Although forced labour and practices analogous to slavery were not restricted to one country, it was the fragility of the Liberian state, with unstable finances and surrounded in West Africa by imperial powers and mandated territories, that steered international scrutiny and diplomatic pressure towards it.

Tensions at the domestic, national and international level were reproduced at the heart of the commission, as it pursued its assignment to gather facts and seek truth about the forced labour

³²⁹ W.E.B. Du Bois, "Liberia, the League and the United States." *Foreign Affairs* 11, no. 4 (July 4, 1933).

and slavery allegations. From an institutional perspective, the protracted negotiations between the United States and Liberia over the terms of reference of the commission, outside of the League's organisational structure, resulted in a broad mandate for the commission to investigate all labour relations in the country and the power to make recommendations to the government. The team, made up of a British medical physician, an American sociologist and a former Liberian president, was given personal agency to decide upon the investigatory means and the precise interpretation of the terms of reference, particularly whether the matter of foreign assistance could be discussed. In turn, the commission's report would have an impact on prevailing power relations, as Liberia sought to fend off foreign actors' accusations of uncivilised practices. The United States kept the pressure on its government to remain amenable to open trade, whereas the League discussed technical assistance to achieve administrative reform under the guise of Western experts. This chapter shows a unique case of a League inquiry, on an issue which may be regarded as proto-human rights and therefore a historical precedent to the increasing reliance on humanitarian interventions in international politics after the Second World War.³³⁰ It testifies how the League at the same time could act as an enabler of international agreements, investigate and pressure into reform, but was also restrained by the interests of its larger member states and outside powers. International public opinion was a means to extend scrutiny, but equally for Liberia to defend itself in Geneva against the accusations.

The origins

On 19 September 1929, the Government of the Liberian Republic informed the Council of the League of Nations that the matter of slavery and forced labour would be put 'into the hands of an International Inquiry Commission, which shall meet on the spot and, by means of an impartial, serious, and detailed investigation, to find out whether slavery and forced labour are or are not practised in Liberia.'³³¹ The call for an international inquiry into alleged conditions of slavery and

³³⁰ For recent work in this field, see: Fabian Klose, *The Emergence of Humanitarian Intervention* (Cambridge: Cambridge University Press, 2016).

³³¹ *Letter from the Government of the Liberian Republic to the Secretary-General of the League of Nations*, 19 September 1929, 6B-14352-15197, R2356, LONA.

forced labour appeared to be initiated by the Liberian Government, however, the idea to launch an inquiry did not come out of the blue. The inquiry was the outcome of a long and sustained diplomatic tussle between the United States and Liberia in which the League did not take part. Liberia's unique relationship with the United States is inherently linked to the domestic tensions that led to allegations and scandal over forced labour and conditions analogous to slavery.

Liberated captives and descendants of freed slaves from America had come to the shores of West Africa in the early nineteenth century. These Americo-Liberian coastal settlers monopolised political power and declared the independence of a free and sovereign republic named Liberia in 1847. Within the new republic, they quickly dominated the government in the capital of Monrovia, situated on the coast, and tried to subject the large number of native tribes living in the hinterland to direct control – a structure of colonial rule similar to elsewhere in Africa.³³² This led to regular clashes between the Americo-Liberian settlers and the native population, as the former sought to interfere with the long-held customs and practices of the latter. Threats to the Americo-Liberian rule did not only come from within the country, but also from European imperial powers such as Great Britain and France that sought expansion of their colonial possessions in the region and had their eyes on the young and fragile republic. This motivated the Liberian leadership to remain, at least for some time, suspicious of European traders and keep its economy protected from foreign interests (i.e. a closed door policy).³³³

The power of the Americo-Liberians consolidated itself during the second half of the nineteenth century, through the establishment of the True Whig Party that dominated the political system from 1878 until 1980. Despite the stability of rule, Liberia proved unable to develop the infrastructure and labour skills required to adequately exploit the country's resources. The republic repeatedly ran into financial difficulties and was forced to find foreign creditors to pay its debts – help which came with increased calls for a more effective administration of the

³³² D.C. Dorward, "British West Africa and Liberia." In *The Cambridge History of Africa. Vol 7: From 1905 to 1940*, ed. Andrew D. Roberts (Cambridge: Cambridge University Press, 1999), 454.

³³³ Van der Kraaij, "The Open Door Policy of Liberia," 30.

territory. The Americo-Liberian elite in Monrovia undertook several attempts to rein in the indigenous tribes living in the hinterland. Attempts to extend administrative control and turn the population into labourers were met with suspicion and rebellion; they also came with the first rumours of abusive exploitation. Hence, domestic contestation between the Monrovia elite and the hinterland in this period sowed the seeds of future allegations concerning forced labour.³³⁴

The Liberian Government rethought its protective economic policy in the early twentieth century, when it began to experiment with an open approach to the domestic economy. The presidency of Arthur Barclay (1904-1912) created momentum for change, with a series of 'open door' economic reforms, modelled on policies introduced by the US with regard to China, aimed at establishing indirect rule over the hinterland, improve local tax collection and attract foreign investments – for commerce and banking, but in particular for the production of rubber.³³⁵ In 1906, Liberia negotiated an agreement with British investors to establish a rubber plantation near Monrovia, as well as a private loan to repay outstanding government debts. However, two years after the agreement the partnership would come to a halt as Liberia tried to renegotiate the conditions of the British loan. The Liberian Government, fearful of increased British control over its economy, sought to check the British investors by establishing closer relations with the United States.³³⁶

During the nineteenth century there was initial reluctance from the US Government to engage with Liberian affairs, in accordance with the Monroe Doctrine. However, by the turn of the century support grew within political circles to strengthen American influence abroad through a foreign policy that promoted 'open door' economic policies. After Liberia, the 'off-shoot' West African republic created by descendants of American slaves, had sent out a call for assistance, the US was ready to play a role of protector and patron.³³⁷ In particular, the Roosevelt (1901-1909)

³³⁴ Yekutieli Gershoni. *Black Colonialism: The Americo-Liberian Scramble for the Hinterland* (Boulder: Westview Press, 1985).

³³⁵ Van der Kraaij, "The Open Door Policy of Liberia," 30.

³³⁶ Dorward, "British West Africa and Liberia," 456-457.

³³⁷ The term 'offshoot' was used by Frederick Frelinghuysen, Secretary of State under President Chester A. Arthur (1881-1885): 'although at no time a colony of this government, it began its career among the family of independent states as an offshoot of this country, and as such entitled to the sympathy and, when practicable, to the protection and encouragement of the United States'. From: Albert B. Hart "Pacific

and Taft (1909-1913) presidencies favoured closer ties with Liberia. Although there had been murmurs within the State Department of turning Liberia into a 'quasi-protectorate', there was hostility in both countries to the idea of Americanisation.³³⁸

The US Government chose to tread carefully before committing any assistance to Liberia; it decided to send out an inquiry commission to investigate the problems faced by the republic. In May 1909, a three-man commission visited Liberia, according to commissioner Emmett J. Scott, 'to ascertain what measures of relief were needed to enable [the Liberians] to preserve their government as an independent one.'³³⁹ Scott, a black educator and close friend to President Taft, was sent to Monrovia together with two white colleagues and encouraged to find a way to end Liberia's (financial) dependence on the European colonial powers. In his recollection, Scott was referring to evidence of the continued existence of slavery, an issue that troubled the Liberian republic. After one month, the inquiry commission returned home and urged the US to offer substantial assistance to Liberia, including the provision of a private loan, training of the military and aid in the collection of customs. A new loan was provided in 1912 but no action was taken when it came to the issue of slavery.³⁴⁰

After the outbreak of the First World War, the Republic of Liberia ran again into financial difficulties, due to a steady withdrawal of foreign investments in the country. Before the war, Germany had become a significant trading partner of Liberia, serving as an export market for local products. The First World War caused a cataclysmic economic shock, rendering Liberia increasingly dependent on the United States. From 1918 to 1921, it made attempts to obtain a new American public loan to repay its debts, however, a loan proposal did not pass through the

and Asiatic Doctrines Akin to the Monroe Doctrine." *American Journal of International Law* 9, no. 4 (1915): 808. Walter, LaFeber, *The New Empire: An Interpretation of American Expansion, 1860-1898* (Ithaca: Cornell University Press, 1998).

³³⁸ Michael L Krenn, *Race and U.S. Foreign Policy in the Ages of Territorial and Market Expansion, 1840 to 1900* (Taylor & Francis, 1998), 330-332.

³³⁹ Emmett J. Scott, 'Is Liberia Worth Saving?', *The Journal of Race Development* 1, no. 3 (1911), 279.

³⁴⁰ Cuthbert Christy, 'Liberia in 1930', *The Geographical Journal* 77, no. 6 (1931), 515-40. Andrew, DeRoche, 'Relations with Africa since 1900', in *A Companion to American Foreign Relations*, ed. Robert Schulzinger (John Wiley & Sons, 2008), 104.

US Congress – as the Senate was hesitant to extend a new loan to the African nation. Desperate for alternatives, the Liberians sought to further open the hinterland to foreign investment and stimulate trade with other countries. In addition, there were plans to encourage capital injections from black Americans from the Universal Negro Improvement Association (UNIA, led by Marcus Garvey), although these plans were abandoned later out of fear for an influx of black Americans. Also, the steady improvement of the world economy after 1923 dissipated the immediate need for a loan for the country to remain solvent.³⁴¹

Despite the setback of the public loan programme, the questions of financial assistance and the ‘open door’ economic policy were kept on the table by the US Government. The Coolidge administration (1923-1929) favoured close but informal ties with the Liberian republic, conscientious of the Congress’ tendency towards isolationism. While the State Department endeavoured for a closer involvement with Liberia, it relied on private citizens to act as representatives of the United States. In the inter-war period, ‘foreign policies were mainly shaped by missionaries, explorers, foundations and corporations informally representing the federal government’.³⁴² Making use of private corporations and foundations the US could pursue its expansionist economic policies, seeking raw materials and export markets abroad, while retaining the perception of a being a humane state rather than a colonial player. Moreover, indirect involvement meant it could turn its back on insupportable practices such as corruption, slavery and forced labour.

The interest and involvement of the US Government in Liberian affairs are best demonstrated with the example of Firestone, a major American tire company that sought to gain access to rubber plantations in the West African republic. The story of Firestone is of relevance here, since it provides evidence for the way in which the US State Department facilitated contacts with the

³⁴¹ M.B. Akpan, “Ethiopia and Liberia, 1914-35: Two Independent African States in the Colonial Era.” In *Africa Under Colonial Domination, 1880-1935*, ed. A. Adu Boahen (Paris: UNESCO, 200), 723-724; Andrew DeRoche, ‘Relations with Africa since 1900,’ 104.

³⁴² Charles Spurgeon Johnson. *Bitter Canaan: The Story of the Negro Republic (Introductory Essay by John Stanfield)* (New Brunswick: Transaction Books, 1987) xii. also see: Melvyn P. Leffler, *Safeguarding Democratic Capitalism*.

Liberian Government. Moreover, several years later the Firestone concession came under scrutiny, for its alleged participation in the abuse in a forced labour scheme. In 1926, the first contacts were established between the Liberian Government and Firestone, as the latter sought to increase rubber production to supply a booming US economy. The US Chargé in Monrovia, Clifton Reginald Wharton, wrote to US Secretary of State Henry Stimson in support of a concession, as 'no better opportunity is available than Liberia' and 'American influence should be felt in Africa.'³⁴³ In other words, American foreign policy interests coincided with the Firestone agenda: rubber was a strategic economic resource and a Liberian concession, if gained, would provide the US economy with its own supply and end the overdependence on European producers.³⁴⁴

Harvey Firestone Sr., Firestone Company's owner, suggested to tie the rubber concession, i.e. a long-term lease of plantation grounds, to a private loan extended to the Liberian Government – similar to the public loan requested years before.³⁴⁵ For the US Government, a private loan had the advantage of bypassing a reluctant Senate while taking a tangible economic stake in Liberia – through the Firestone concession. In return, it was believed that the Liberians would favour American protection 'to secure the nation's borders from French and British encroachments.'³⁴⁶ However, the negotiations that took place between Firestone and the Liberian Government ended up being more protracted than anticipated. The Firestone negotiators proposed to make the loan conditional upon the inclusion of a (foreign) financial adviser and an extensive dispute-settlement procedure. The Liberian Government, led by President Charles Dunbar King, showed division over these issues and feared that Firestone (and the US) would gain too much control

³⁴³ Many years later, Wharton would become the first African-American diplomat to become ambassador for the United States. *Liberia: Negotiations concerning the Firestone rubber concessions and the Finance Corporation of America loan*, 1926, Volume 2, Foreign Relations of the United States, 535.

³⁴⁴ Tarnue C. Johnson, *A Critical Examination of Firestone's Operations in Liberia: A Case Study Approach* (Bloomington: Author House, 2010), 10-11.

³⁴⁵ Noel Maurer, *The Empire Trap: The Rise and Fall of U.S. Intervention to Protect American Property Overseas, 1893-2013* (Princeton: Princeton University Press, 2013), 154.

³⁴⁶ Frank Chalk, "The Anatomy of an Investment: Firestone's 1927 Loan to Liberia." *Canadian Journal of African Studies / Revue Canadienne Des Études Africaines* 1, no. 1 (1967): 12.

over the financial and economic levers of the country.³⁴⁷ For instance, King's Secretary of State, Edwin Barclay, who had a powerful voice within the cabinet, was known to the State Department as someone hostile towards the US and anxious to preserve Liberia's sovereignty and independence.³⁴⁸

The State Department took no official part in the negotiations but allowed the US Legation in Monrovia to play a mediating role in the background.³⁴⁹ The US Chargé notified the Secretary of State about the stance taken by President King, as someone who 'is in favour of American interests in Liberia' but who could also adopt a hostile tone to accommodate the Liberian legislature.³⁵⁰ Despite prolongations of the negotiations, the Firestone concession and loan agreement was ratified by 1927. Up until this point, the State Department's strategy consisted of a backseat approach to Liberian affairs, to exert American (economic) influence without being perceived as too interventionist. The ratification of the agreement appeared to vindicate the approach, however, a series of events in the following years would call this into question. Particularly, the implication of the Firestone Company in a forced labour scandal risked raising pressure on the US Government.

The catalyst

The first trembles were set off by the 1927 presidential elections in Liberia, when Charles King (representing the True Whig Party) ran against Thomas J.R. Faulkner of the People's Party. Both candidates campaigned for an 'open door' economic policy, although Faulkner accused the incumbent of not having done much to make the Liberian economy accessible to additional foreign investment. Despite the critique, King won a stunning victory with more than 240,000 votes, while his opponent garnered a meagre 9,000 votes. It was a victory too good to be true. Since Liberia only had an electorate of 15,000 registered voters at the time, the 1927 elections

³⁴⁷ *Liberia*, 1926, vol. 2, FRUS, 531-536. Elwood D. Dunn, Amos J. Beyan and Carl Patrick Burrowes, *Historical Dictionary of Liberia* (Lanham: Scarecrow Press, 2000), 189-190.

³⁴⁸ *Liberia*, 1926, vol. 2, FRUS, 533.

³⁴⁹ Ibrahim K. Sundiata, *Brothers and Strangers: Black Zion, Black Slavery, 1914-1940* (Durham: Duke University Press, 2003), 99-100.

³⁵⁰ *Liberia*, 1926, vol. 2, FRUS, 531.

were decisively rigged in favour of the incumbent and later came to be known as ‘the most fraudulent election’ in recorded history.³⁵¹ Faulkner refused to accept his defeat and continued over the next years to criticise unabatedly the Liberian Government for the fraudulent elections and other woes.

The rigged elections of 1927 failed to provoke strong international condemnation, except for the African American press in the United States.³⁵² The State Department took no issue with the Liberian Government’s conduct of the election; most likely, it considered that another cabinet led by King was a reasonable interlocutor and would uphold the Firestone agreement. Therefore, the Liberian President did not seek to offset the growing US economic interest with other foreign investors. For a brief period, it appeared the election issue could be overlooked, but Liberian affairs returned to the front stage as new stories were published, both from academic and press circles.

Allegations of slavery and forced labour were longstanding and had occasionally resurfaced in the previous decades. However, during the second half of the 1920s, they took on a more prominent role in the American and European popular imagination of Liberia. Published studies and travellers accounts of the region, such as *The Black Republic* by H.F. Reeve and *Slavery* by Kathleen Simon, presented anecdotal evidence of abysmal labour conditions.³⁵³ Most of these publications only dealt with the past, not with the present, and provided a personal, often hyperbolic view of the situation. One publication, however, stirred up more than the usual sentiment. Raymond Leslie Buell, a Harvard Professor, spent fifteen months in Liberia collecting evidence on working conditions in Africa, which led to the publication of *The Native Problem of Africa* in 1928. Buell revealed a system of procurement in Liberia that closely resembled conditions of compulsory labour and accused the Firestone Company and Liberian government

³⁵¹ Van der Kraaij, “The Open Door Policy of Liberia,” 440-447.

³⁵² Baiyina W. Muhammad, “‘Slavery in Liberia’: The Afro-American Newspaper’s Investigation of the Liberian Labor Scandal, 1926-1936.” *Liberian Studies Journal* 35, no. 2 (2010): 124-125.

³⁵³ H.F. Reeve *The Black Republic, Liberia: Its Political and Social Conditions To-Day* (London: H.F. & G. Witherby, 1923). Kathleen Simon. *Slavery* (London: Hodder and Stoughton, 1929).

officials of their involvement. According to Ibrahim Sundiata, Buell's book was harder to dismiss as fragmentary evidence and constituted an 'immediate catalyst' for international action, as it contained an attack both on Firestone and the US State Department, 'for callous economic imperialism in Africa.'³⁵⁴ Buell, however, did not constitute the only critical voice and the catalyst was manifold.

As mentioned before, the American press kept an eye on Liberian affairs. There was the occasional mention of Liberia in the local newspaper. For example, the *Chicago Tribune* of 27 March 1928 ran a story on 'American negroes and Liberia', describing the disappointment of black American named Arthur Sewell who moved to the country in search for betterment but only found appalling conditions of life: 'Slavery, he found, had been left behind there, but not far behind.'³⁵⁵ Nevertheless, the general press did not cover Liberia as closely compared to the *Afro-American*, a leading newspaper of the black community in the US. Based in Baltimore, the newspaper was one of the earliest supporters of Marcus Garvey and his UNIA – that had encouraged black investment and migration to Liberia. For Garvey, the independent republic, as an example of black self-government, played a major role in the development of the idea of Pan-Africanism.³⁵⁶

From 1926 onwards, however, the *Afro-American* began to critically report on events in Liberia; it denounced the Firestone concession and allowed Thomas Faulkner to substantiate claims about the rigged presidential elections and the working conditions of native Liberians. Faulkner received wide coverage in the newspaper and could freely criticise the King administration for its involvement in corruption and the illicit recruitment of labour. Increasingly, the *Afro-American* turned from critical reporting on the US Government and its economic interests in Liberia, to the abuses perpetrated by the Americo-Liberian elite. The abandonment of support by the King

³⁵⁴ Sundiata, *Brothers and Strangers*, 118. Buell, *The Native Problem in Africa*.

³⁵⁵ "American negroes and Liberia." *Chicago Tribune*, 27 March 1928.

³⁵⁶ M'bayo, "W. E. B. Du Bois, Marcus Garvey, and Pan-Africanism in Liberia, 1919-1924," 19-44. Sundiata, *Brothers and Strangers*, 5-11.

administration for Garvey's UNIA explains the change of tone in the reporting by the Baltimore newspaper.³⁵⁷

Initially, the State Department only chose to respond to the charges made by Buell in his publication and ignored the critical views expressed in the *Afro-American*. The US Secretary of State suggested the Legation in Monrovia to have the Liberian Government prepare a press statement to deny all accusations related to the Firestone concession.³⁵⁸ Shortly thereafter, President King delivered a statement that refuted all claims made by Buell, whether they related to the concession, the loan agreement or Firestone's involvement in a coercive labour scheme. King had little to say about the general labour conditions in Liberia but welcomed 'an investigation on the spot by an impartial commission' to assess whether the allegations were true or false.³⁵⁹ Although no specifics were provided, this was the first mention of an inquiry. However, the Liberian Government did not make a start on the organisation of a commission, as it hoped the statement would end the matter. After King's response to the allegations, the US Secretary of State cabled the President of Liberia, to confirm that the statement 'should effectively dispose of any erroneous or misguided impressions which may have been created in this country or elsewhere by Professor Buell's statements.'³⁶⁰

In 1929, new evidence emerged that reaffirmed there were serious deficiencies in Liberian labour conditions. A report prepared by the Bishop of the Episcopal Church in Liberia, Dr Robert Patton, acquired by the US Legation in Liberia in March 1929, led to sudden alarm at the State Department – and was a stronger catalyst for action. More than Buell, the Bishop's report was perceived as a dispassionate investigation by the State Department: 'from several sources reports bearing reliable evidence of authenticity', it confirmed the existence of a system of forced labour export between Liberia and the island of Fernando Po, an island off the African coast under Spanish

³⁵⁷ Muhammad, "Slavery in Liberia," 120-129. Hayward Farrar, *The Baltimore Afro-American, 1892-1950* (Westport: Greenwood Publishing Group, 1998), 146, 159-161.

³⁵⁸ *Denial by President King of Liberia of allegations made by Raymond Leslie Buell regarding Firestone concession*, 1928, Volume 3, FRUS, 250.

³⁵⁹ *Ibid.*, 251-253.

³⁶⁰ *Ibid.*, 253.

administration.³⁶¹ Soon after, the US Secretary of State requested a copy of the report, which the Episcopal Church had previously prepared, and warned for the risk of being criticised over a possible leak to the press:

‘If it should get into the papers and the country believed that we had known all about it and had done nothing, we should be terrible criticised. [...] if the story gets out in this country and there is a row in the press, we should be able to say that we have acted and what we have done.’³⁶²

The State Department’s switch towards action suggests it was caught off-guard by the report and did not carefully check whether allegations expressed by Buell and reports in the press were true. The Episcopal Church report shifted the emphasis away from Firestone, towards the matter of labour export, the exploitation of the native population by Americo-Liberian elites, which made it easier for the State Department to increase pressure on the Liberian Government, rather than the Firestone Company.

US Secretary of State Stimson was aware that time was of the essence if new evidence would leak to the American press. Hence, he prepared a note for the Liberian Government that set out the serious nature of the Patton report, summarising its findings and specifying the involvement of high-ranking government officials in the labour export system.³⁶³ The Liberian response, through its Secretary of State Edwin Barclay, was a denial of all allegations: he imparted that they were based on older, recurring charges and specified that the labour shipments to Fernando Po were based on a voluntary system. Although there was a categorical refusal to accept any facts, the door was left open for ‘an impartial investigation’ to disclose the facts of the matter.³⁶⁴ The suggestion for an inquiry into forced labour may have been another bluff, however, one that the US Secretary

³⁶¹ *Appointment of the International Commission of Inquiry into the existence of slavery and forced labour in the Republic of Liberia*, 1929, Volume 3, FRUS, 274.

³⁶² Johnson, *Bitter Canaan*, xxiii.

³⁶³ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 274-275.

³⁶⁴ *Ibid.* 277-280.

of State took up with eagerness. In subtle terms it proposed what the Liberian Government should consider:

‘the Liberian Government will no doubt in the exercise of its sovereign rights desire to appoint an investigation committee with full powers to determine the truth or falsity of the accusations which have received such wide credence as no longer to be ignored [...] the Liberian Government will doubtlessly desire to appoint an impartial committee made up of Liberians and non-nationals of Liberia’³⁶⁵

In using language of encouragement and friendly instruction, Stimson had framed the possibility of an inquiry according to an approach favoured by the United States, namely an international team of impartial investigators. The organisation of an international investigation would give the US Government leverage over the Liberians to act upon the allegations. Moreover, an inquiry would absolve the United States from its earlier inaction (before the Patton report). A row in the American press was now less likely.

The negotiations over the terms of reference commenced soon thereafter, after the US had secured the Liberian Government’s acceptance of an international commission at the end of June 1929.³⁶⁶ The timing appeared to be favourable: former presidential candidate Thomas J.R. Faulkner had continued to stir the discussion about Liberia with several interviews on the subject of the fraudulent elections, slavery and forced labour in *The Crisis*, a monthly paper founded by W.E.B Du Bois.³⁶⁷ Faulkner was also set to travel to Geneva in order to have a meeting with Eric Drummond, the Secretary-General of the League of Nations.³⁶⁸ Up until then, the affair had only gained traction in the African American press and Buell’s publication but now risked exposure in political circles – Liberia as a signatory to the 1926 Convention was subject to scrutiny by the League’s institutional bodies and risked a clash between American and European interests. To

³⁶⁵ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 281.

³⁶⁶ *Ibid.*, 283.

³⁶⁷ The New York-based monthly *The Crisis* initially lauded the Liberian cause. W.E.B. Du Bois, “Sensitive Liberia.” *The Crisis*, May 1924.

³⁶⁸ Sundiata, *Brothers and Strangers*, 123.

recall, European traders had seen their (economic) influence in Liberia diminish in the previous decades.

Before turning to the establishment of the inquiry commission, it is worthwhile to revisit the strategies pursued both by the United States and Liberia with regard to the allegations. The State Department raised pressure on its Liberian counterpart to appoint an international investigation, however, only after a long period of denial and inactivity. The State Department feared implications for Firestone and by extension US economic interests in Liberia but kept the belief that allegations by Buell and the Baltimore *Afro-American* would quickly be forgotten if disavowed by the Liberians. It was only with the continued threat posed by Faulkner travelling to Geneva, and more importantly mounting evidence from other sources, that the Department began to proactively handle what was turning into a public relations disaster and could still have ramifications for the Firestone investment. The sequence of events suggests that US pressure on Liberia was a consequence of improvisation rather than strategic management.

The Liberian stake in the affair is harder to decipher, because a strong denial of all allegations was turned into a suggestion for an international commission. The Liberian cabinet had always been deeply divided, because the dominance of the True Whig Party had created internal factions vying for power. These internal dynamics played a role in shaping the outcome: a part of cabinet members had knowledge of the forced labour scheme and were complicit in its continuance, while others were not involved but felt they could strengthen their political hand through an exposure of the affair. Secretary Barclay's bluff – to put the idea of an investigation on the table again – should be seen in this light, although Liberia would soon lose any advantage at the negotiation table by accepting suggestions from the US. The cabinet may have considered that the chances for an actual investigation taking place in Liberia were slim.³⁶⁹

³⁶⁹ Philip Johnson suggests there were more occult reasons: '[President] King more than likely trusted that his top adviser, a medicine man feared by natives and Americo-Liberians alike for his powerful magic, could cast a spell strong enough to ward off the investigation.', from: Phillip J. Johnson, "Seasons in Hell: Charles S. Johnson and the 1930 Liberian Labor Crisis." Doctoral Thesis, Louisiana State University, 157.

In short, the inquiry commission into Liberia was not driven forward by a single catalyst but a series of events that revealed the complicated imperial internationalist context in which the allegations of forced labour had come to light. The continued scrutiny on the affair instilled worries at the State Department that more details would be leaked to the press and the United States could be accused of abetting the Liberian Government. Moreover, allegations of slavery and forced labour implied the involvement of other, potentially rival, actors – the League and its ILO – external meddling that could jeopardise the close economic relationship between the United States and Liberia. In turn, State Department pressure forced Liberia to accept some form of action to address the issue, while trying to give it a beneficial spin. Liberia would claim it was a voluntary decision – whereas excerpts of the negotiation show otherwise. In the end, power inequality and competing interests at the domestic and international level had increased the prospect of an investigation.

The composition

Liberia's 'voluntary decision' before the League

On 19 September 1929, the Permanent Delegate of Liberia Dr Antoine Sottile informed the Secretary-General of the League of Nations that the Liberian Government, in order to refute any statements with regard to slavery and forced labour, had 'decided to put the matter into the hands of an International Inquiry Commission'.³⁷⁰ Earlier in September, Sottile had told the Sixth Committee of the Assembly of the League of Nations, that Liberia would be the first country to voluntarily organise an inquiry commission to investigate the allegations. As shown before, Liberia's decision was not a voluntary one; rather, it was provoked by diplomatic negotiations with the United States.³⁷¹

The League's involvement with the Liberian inquiry was late in comparison to other commissions, where it generally had instigated the establishment and the agreement of the terms of reference.

³⁷⁰ *Letter from the Government of the Liberian Republic to the Secretary-General of the League of Nations*, R2356, LONA.

³⁷¹ "Letter from the Government of the United States of America to the Secretary-General, submitted to the Council on 22 January 1931." *League of Nations Official Journal* 12 (February 1931): 467.

By the time the League participated in the negotiations, the United States and Liberia had already agreed on the specifics of the inquiry – which will be discussed below. For now, it is relevant to ask why the League’s involvement was required at only a late stage and how it subsequently shaped the organisation of the investigation. The United States initiated the first contact, when it notified the League’s ILO with a memorandum at an international conference in Geneva, of certain problems that had emerged with regard to forced labour in Liberia.³⁷² The Liberian Government received a note from the ILO asking for more information concerning the allegations, after the United States had begun to exert pressure. Yet, Secretary of State Barclay told the US Legation he would not reply to the League, which effectively left the organisation in the dark about the ongoing discussions.³⁷³

Neither country was willing to give the initiative to the League, to negotiate the terms of reference under the auspices of Geneva. Perhaps they feared intrusion, as the United States was not a League-member and Liberia remained reticent of European imperial interests. Yet, the two countries agreed that the inquiry commission needed an international composition and see some involvement of the League through the selection of a commissioner. The League would not reject an official request for help and its involvement could bring additional reassurances as to the impartiality of the investigation.³⁷⁴ The League’s support would signal to the outside world a dispassionate recognition of any facts found on the ground and the possibility to claim innocence in light of international public opinion – if the allegations were found untrue.³⁷⁵

Terms of reference

During the summer of 1929, the United States and Liberia discussed the terms of reference of the inquiry, a document that laid down the scope and limitations of the investigation. Similar to the Firestone concession, it took a considerable amount of time before the details were fleshed out.

³⁷² Sundiata, *Brothers and Strangers*, 117.

³⁷³ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 285.

³⁷⁴ *Terms of reference of the Commission. Report by the representative of Great Britain*, 24 September 1929, 6B-14352-15197, R2356, LONA.

³⁷⁵ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 286.

This time, the State Department pursued a more assertive role in determining the framework of the inquiry. The terms of reference were set through direct negotiations between the United States and Liberia – the League remained on the side-lines until September.

The Secretary of State stated in a communication on 22 June 1929 a desire ‘to have this question investigated on the spot by a competent, impartial and unprejudiced commission’ with ‘full powers’ to investigate the situation.³⁷⁶ But what did this mean in practice, a competent, impartial and unprejudiced commission? And how would the extent of powers be determined? Additionally, the Secretary suggested that a Liberian, an American and European member, ‘representative of general international interest’, would take part in the investigation.³⁷⁷ The United States had suggested a commission of an international character in the hope that the Liberian Government would find it harder to create obstacles to the investigation. On 4 July 1929 Secretary of State Edwin Barclay gave notice of acceptance of the suggestion and informed that the Liberian Government would soon come up with a proposal for the terms of reference.³⁷⁸

While the composition of the commission is inextricably linked with the terms of reference, this part of the negotiations will be addressed in the next section. Here, the focus is on the steps taken towards a general outline of the commission’s powers. The United States continued its pro-active stance over the next weeks, to shape the terms of reference so it would have a broad scope and give leeway to the commission to decide on which paths to pursue – particularly questions related to general labour conditions in Liberia and shipment of workers to other (colonial) territories.³⁷⁹ This approach was meant to guarantee that all aspects of the labour scandal could be uncovered, however, it also provided cover in case the inquiry turned out to be a failure and the US was accused of negligence.³⁸⁰

³⁷⁶ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 283.

³⁷⁷ *Ibid. Terms of reference of the Commission*, R2356, LONA.

³⁷⁸ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 286.

³⁷⁹ *Ibid.*, 288.

³⁸⁰ *Ibid.*, 288-289, 295.

The Liberian response was a draft of the terms of reference that was much narrower in scope than the United States had desired. For instance, the terms excluded forced labour for public purposes, a major component of the allegations, but included specific references to Firestone and the Spanish-held island Fernando Po. Nevertheless, no mention was made of other colonial territories implied in the export of Liberian labourers. Moreover, the inquiry was instructed to conclude its work within two months, with an additional month to prepare the report – a short time span for a thorough investigation.³⁸¹ The draft was found as heavily deficient by the US Chargé in Liberia, who considered that the inclusion of labour for public purposes and shipments to colonial territories were key elements of a future investigation. For the Chargé, the legal framework had ‘no teeth and [left] the Commission powerless.’ This was an attempt by the Liberian Government to limit the investigation’s impact, as some high officials were anxious to conceal their role in the affair: ‘It is felt by the [Liberian] Cabinet to be unwise for the President and the Secretary of State to bluff by offering a commission of inquiry. The Cabinet is now seeking the best way out.’³⁸²

The dispute over the terms of reference was resolved over several weeks in August, when ongoing pressure by the United States led the Liberian Government to concede on several points in favour of a broad scope for the inquiry. The commission received the power to investigate all aspects of labour relations in Liberia and had more time to undertake the assignment and prepare its report. On the surface it appeared the forceful negotiations by the United States had been successful, however, the Liberian side of the negotiations reveals a dynamic that better explains why the broad scope was quickly accepted. The suggestions made by the United States were agreed upon by the Liberian Secretary of State Edwin Barclay, who stood to gain most from a detailed investigation into the affair. After initial disagreement in the cabinet, Barclay gained the upper hand when it was increasingly evident that a number of his colleagues, such as Vice-President Allen N. Yancy, were implicated in the exploitation of Liberian labourers. If the labour scandal

³⁸¹ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 289-290.

³⁸² All quotes from: *Ibid.*

would compromise the Vice-President, and even blemish President King, the way was open for Barclay to extend his power over the party and the cabinet. Hence, the Secretary of State overcame his hostility towards the United States, because it favoured his position in domestic politics.³⁸³

Apart from the acceptance of the broad terms of reference, the Liberian Government also pledged to work towards the ratification of the 1926 Convention, whose protocols would serve as the standard for the commission to 'judge facts'.³⁸⁴ Although the League was excluded from the negotiations, its importance for international law was considerable: the convention underscored the understanding of concepts such as forced labour and slavery. It is necessary to underline the importance of precedent here: the Liberian issue around allegations of forced labour and slavery became framed as a matter of international concern through the League's legal mechanism, an example of how the imperial internationalist context shaped the discussion of the allegations. As the Liberian Consul General in the US put it, 'the charge of slavery possesses humanitarian features and Liberia as a civilised government is too sensitive to attacks of this nature to allow it to pass without official notice.'³⁸⁵ Perhaps unintended, the League's convention created a blueprint for the investigation of a humanitarian issue.

The United States and Liberia accepted the final wording of the terms of reference by the end of August and the document was officially completed on 7 September 1929.³⁸⁶ The terms of reference specified the scope and limits of the inquiry in Liberia but had comparably little to say about the way in which impartiality was going to be ensured. Despite the diplomatic talk about a competent commission with unprejudiced views, the official guidelines did not submit how this would be attained. In other words, impartiality and competence boiled down to the choice of

³⁸³ Barclays' intentionality can only in part be surmised from the primary sources but when his actions are placed in a long-term perspective, it is clear that he sought to reinforce his own position within the cabinet. *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 290.

³⁸⁴ Ratification happened in October 1929; *Ibid.*, 301.

³⁸⁵ *Ibid.*, 297. Also see: "Minutes of the Sixth Committee: Second Meeting 5 September 1929." *League of Nations Official Journal* 10, Special Supplement no. 81 (September 1929): 7-11.

³⁸⁶ *Ibid.*, 306-307.

individual commissioners to participate in the inquiry. The methods of inquiry and all related practices were left on an ad hoc basis, not benchmarked by any legal document or an international standard.

The League was informed about the terms of reference shortly after they were agreed in early September. In Geneva, the prospect of an international investigation into compulsory labour created consternation among the European powers with colonial possessions: they feared that a precedent to a general investigation was being created. However, the 1926 Convention had been left toothless to enforce such a scenario. Moreover, the terms of reference for the Liberian inquiry was left sufficiently vague regarding the involvement of other countries – only the island of Fernando Po was explicitly mentioned. This reassured League representatives of Belgium, France, Portugal and Spain and they raised ‘no objection’ to Liberia’s decision.³⁸⁷ As foreshadowed in the imperial internationalist framework set out in the thesis, it was no surprise that the small, independent republic of Liberia, considered a weak state³⁸⁸ in international relations, was the *only* case of an investigation into forced labour. This was at a time when the League experimented with new forms of territorial administration but remained highly susceptible to the whims of its European constituents, who disposed of extensive colonial possessions.³⁸⁹

The composition

The United States and Liberia launched the question of potential nominees for the inquiry commission in parallel to the negotiations for the terms of reference. On 22 June 1929, the US Secretary of State suggested a three-person team, consisting of a Liberian, an American and a European to conduct the investigation. In the same diplomatic cable, it was thought that the inclusion of a Liberian member was essential: ‘despite possible obstructionist tactics by the Liberian member, the Liberian Government should directly take part in the commission’s

³⁸⁷ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 310-311.

³⁸⁸ Michael I. Handel, *Weak States in the International System* (London: Routledge, 1974).

³⁸⁹ Johnson, *Bitter Canaan*, xxi. Antony Anghie, “Colonialism and the Birth of International Institutions: The Mandate System of the League of Nations.” In *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005), 115–195.

investigations, committing itself thus to the commission's findings.' In addition, it was specified that the Liberian member should have a 'recognised standing' and no direct connection to the government. The recommendation of the American member would be similar to the 'type of Emmett Scott', who participated in the 1909 inquiry. Finally, the Secretary of State suggested the assistance of the League of Nations in finding a third nominee, to enhance the international character of the inquiry. The US Chargé in Liberia was instructed to privately discuss these options with the Liberian leadership.³⁹⁰

The State Department gave the impression that the question of composition was more crucial than the legal terms of the investigation: on 12 July 1929, the Secretary of State told the US Legation that 'the important element to be considered is not so much the technical terms of reference but rather the actual personnel of the commission to be appointed.'³⁹¹ The Secretary appeared to suggest that competence and personal agency of the chosen commissioners would determine the outcome of the investigation. The discussion and choice for the three members took places across multiple diplomatic channels and lasted until the end of 1929 – and a minor impasse that pushed the final composition into the next year. For reasons of clarity, the selection of each member is dealt with individually. From the initial discussions, no strong consideration was given to the compatibility of the three commissioner and how they would work together – hence each appointment comprises its own context.

The choice for the Liberian candidate took only a couple of weeks to be officialised. The Liberian Government considered to appoint former President Arthur Barclay as their nominee, who was seventy-five years old at the time and still working as a company lawyer for the Firestone Corporation. Barclay was seen as an erudite man in Liberia, well-connected via marital ties with prominent Americo-Liberian families. As uncle of Secretary of State Edwin Barclay, he had a close connection with the Liberian Government. While the State Department considered him to be a man with the right experience and stature, there was concern over his loyalties – Barclay might

³⁹⁰ All quotes from: *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 284.

³⁹¹ *Ibid.*, 288.

refuse a negative report that criticised the Liberian cabinet. In the end, the United States gave no objection to the appointment.³⁹²

The appointment of a representative member of the United States took longer to complete. The State Department had approached Emmett Scott in the hope he would accept the nomination to serve for a second time on a Liberia commission. Nevertheless, Scott repeatedly expressed reluctance to accept the position, even though US President Hoover had intervened to request his participation.³⁹³ Scott cited family life and increased workload as reasons for decline, although his eventual refusal may have been because of a previous row with President King.³⁹⁴ Whereas there was never an official objection from the Liberian Government, for the State Department it was clear Liberia would refuse anybody overtly critical of the country – connected to Marcus Garvey or ‘one in sympathy with United States Negro Improvement Association’.³⁹⁵

Scott refused the offer but provided the State Department with a number of alternative leads. Among others, he named Charles S. Johnson, a sociologist, as a person of interest. Scott had worked together with Johnson and gave an extensive background sketch in his favour.³⁹⁶ This favourably impressed Secretary of State Stimson, who forwarded the application to President Hoover for a final decision. At the time, Johnson was thirty-six years old and Head of the Department of Sociology at Fisk University, Nashville, with experience working for the Carnegie Endowment for International Peace and the Rockefeller Foundation. His specialism was urban and interracial relations and he became renowned for the investigative work that led to *The Negro in Chicago: A Study of Race Relations and a Race Riot*, a commission report about the 1919 race

³⁹² Dunn (et. al.), *Historical Dictionary of Liberia*, 33. Johnson, *Bitter Canaan*, xxv. Johnson, “Seasons in Hell,” 168.

³⁹³ Johnson, *Bitter Canaan*, xxvi-xxvii.

³⁹⁴ Ibrahim Sundiata suggests that Scott may have been involved in a Liberian bribing scandal concerning the proposal for US loan agreement in 1921. These facts were refuted by the State Department for lack of evidence. From: Sundiata, *Brothers and Strangers*, 127-129. In contrast, John Stanfield assumes that Scott may have been a supporter of Marcus Garvey. From: Johnson, *Bitter Canaan*, xxviii.

³⁹⁵ Johnson, *Bitter Canaan*, xxviii.

³⁹⁶ *Ibid.* xxviii-xxx.

riots in Chicago. Johnson possessed neither experience with Africa nor Liberia but had a thorough understanding of inquiry into race relations in the United States.³⁹⁷

The candidacy of Johnson was carefully examined before an offer was extended to him. Secretary of State Stimson collected character references of Johnson and the State Department checked whether the sociologist had any connections to Marcus Garvey. Trevor Arnett of the Rockefeller Foundation described him as 'well fitted by temperament, training and experience to serve on [the] commission to Liberia'.³⁹⁸ After several recommendations by officers of other foundations, the State Department felt certain that Johnson would be the most suitable candidate. By the beginning of December, Johnson had confirmed to the State Department he was willing to participate in the fact-finding commission – only the League had yet to announce its candidate.³⁹⁹

The delay in the League-appointment needs to be traced back to the negotiations between the United States and Liberia over the summer. Both countries had agreed to involve the League, but its exact role was left undefined. The Liberian Government favoured a Spanish national to represent the institution, but this was deemed 'highly inappropriate' by the Secretary of State Stimson due to the conflict of interest over the Spanish-held island of Fernando Po.⁴⁰⁰ Since the United States had no formal diplomatic relations with the League, it was dependent on Liberia to extend a formal invitation to its Secretary-General Eric Drummond. Yet, the US had opened an informal discussion channel through the American Minister in Switzerland, Hugh Wilson, to discuss all requirements.⁴⁰¹ For instance, Secretary of State Stimson provided the League with guidelines to conduct its search for a suitable candidate, in early September: a national not originating from a country that imports labour from Liberia, who speaks English, has the qualifications of an investigator, and is familiar with the activities of the League of Nations and its

³⁹⁷ Johnson was also one of the key figures behind the Harlem Renaissance, as editor of *Opportunity* and host of literary contests and parties. From: "Charles S. Johnson FBI File," Archive.org, accessed 25 July 2016, <https://archive.org/details/CharlesS.JohnsonFBIFile>.

³⁹⁸ Quote from: Johnson, *Bitter Canaan*, xxxi. Also see: Sundiata, *Brothers and Strangers*, p. 130-131.

³⁹⁹ Johnson, *Bitter Canaan*, xxxiii.

⁴⁰⁰ The Liberians assumed that a Spanish representative would go easy on case that had meant economic benefits to Spain: *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 299.

⁴⁰¹ *Ibid.*, 295-296.

Temporary Slavery Commission. However, the Secretary was careful to stress that it was not an imposition of demands: 'The League, without advice from this Government, should make its own decisions.'⁴⁰²

From the League's perspective, its main aim was to ensure the presence of an impartial commissioner, 'whose authority was such that he would not in any way allow facts to be suppressed'.⁴⁰³ Secretary-General Drummond thought it essential to have someone who could speak truth in case the investigation was established under false pretences – in order to cover up rather than reveal the facts. Drummond preferred to select a man 'with complementary qualities' to the US nominee, although in reality the discussion revolved around nationality of the future candidate. The Secretary-General favoured a small European nation: 'a Belgian would not be an altogether happy choice, and therefore I felt that we should have to try and secure either a Swiss or a Scandinavian'.⁴⁰⁴ US Minister Wilson equally expressed reticence over a national with experience of colonial administration and suggested to choose someone of a country with no African territorial possessions.⁴⁰⁵

The decision to select a League member was put in the hands of the League Council, notably its acting President Khan Foroughi and Rapporteur Arthur Henderson. However, most if not all the legwork was done by the Mandates Section of the Secretariat. The Mandates Section as choice to deal with Liberia was never openly questioned; it was perceived as the most adequate keep track of the allegations regarding forced labour as well as other African affairs.⁴⁰⁶ By 2 December 1929, the League Secretariat had settled on Knut Sigvald Meek, a Norwegian judge who previously had served as a prosecutor for the Belgian Congo Judicial Court from 1907 to 1915 and was at the

⁴⁰² *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 309.

⁴⁰³ *Request of the Liberian Government for the appointment of a member by the Council: Financial arrangements and general correspondence*, 16 September 1929, 6B-14352-14697, R2356,

⁴⁰⁴ *Note from Eric Drummond after conversation with US Minister Hugh Wilson*, 16 October 1929, S1670, League of Nations Archives, Geneva.

⁴⁰⁵ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 299-300, 310.

⁴⁰⁶ Yet its involvement would also give validity to rumours of a future mandate over Liberia. *Record of a conversation between Eric Drummond and Antoine Sottile*, 11 April 1930, 6B-14352-19240, R2356, League of Nations Archives, Geneva.

time of his nomination serving as a judge at the court of Arendal (Norway).⁴⁰⁷ Two weeks later, Meek's appointment was officially confirmed and communicated to Liberia and the United States.⁴⁰⁸

With all appointments in place, the inquiry commission was set to take off in the first month of 1930 and be inaugurated in Monrovia before the rainy season would begin. In January, however, several setbacks pushed the start of the commission back and forced the League to find another candidate commissioner. First, the travels of the American commissioner Johnson with preparatory visits to Washington, London and Bern, for briefings about the assignment and to gather more insight about Liberia, delayed the journey to Monrovia for at least a month. Second, commissioner Meek informed the Secretary-General on 27 January 1930 with the unexpected news that he would relinquish the position – citing health reasons and the rainy season. The Norwegian expressed worries that the heavy rainfall and absence of good infrastructure would unnecessarily prolong his stay in Liberia, which appeared to be a valid constraint to the undertaking.⁴⁰⁹ The Secretariat files, however, cast doubt on this explanation: Meek had shown concern over the 'black race' of the two other commissioners; he feared to be outnumbered in case they would come to a disagreement. The Mandates Section decided 'to make no mention whatever' of the race question, although it would check a future candidate whether cooperation with black colleagues would be any issue.⁴¹⁰

The League Secretariat was again burdened with finding a candidate to join the Liberian commission, this time at short notice so there would be enough time to visit Liberia before the weather conditions deteriorated. Secretary-General Drummond acted quickly to come up with a

⁴⁰⁷ Académie Royale des Sciences d'Outre-Mer, ed. *Biographie belge d'outre-mer / Belgische overzeese biografie*. Vol. 8 (Bruxelles: Acad. Royale des Sciences d'Outre-Mer, 1998), 283.

⁴⁰⁸ *Request of the Liberian Government for the appointment of a member by the Council: Financial arrangements and general correspondence*, R2356, LONA.

⁴⁰⁹ "Letter from Sigvald Meek to the Secretary-General of the League of Nations, 27 January 1930." *League of Nations Official Journal* 11 (August 1930): 974.

⁴¹⁰ *Request of the Liberian Government for the appointment of a member by the Council: Financial arrangements and general correspondence*, R2356, LONA.

suitable name, with the help of connections at the African and Anti-Slavery Societies.⁴¹¹ Earlier considerations of nationality were thrown overboard, when the League announced that Dr Cuthbert Christy, a sixty-six-year-old British doctor, was appointed as the League's member of the inquiry commission. Drummond explained that a 'choice was made in circumstances which did not allow [for] any delay', although a British national risked being objectionable for the Liberians and the United States.⁴¹² Christy had worked extensively in Africa, to research sleeping sickness in Congo, Uganda, Sudan and Nigeria. Therefore, he was well acquainted with the region and its climate. Although he had never visited Liberia, Christy saw no obstacles to work during the rainy season.⁴¹³ Objections by Liberia's representative Sottile in Geneva were overcome after Secretary-General Drummond convinced him that Christy's 'impartiality and his particular competence for the task' made him the right man for the job.⁴¹⁴

The composition of the commission was finished, bar the selection of additional staff – notably personal assistants and (local) translators that were hired to help the commissioners on the ground. Charles Johnson selected John Matheus as his personal secretary, a well-educated forty-year-old who had studied and travelled abroad and conversed in four different, albeit none of the local languages. Johnson knew Matheus well and believed that he had the right character to accompany him during the trip. Johnson described Matheus as 'an easy-going passive man' who would not attempt to control the investigation or raise objections.⁴¹⁵ Cuthbert Christy chose a man named Major Jackson, a seventy-year old as his personal assistant. Their relationship was not marked by proximity and would become dysfunctional after their arrival in Monrovia.⁴¹⁶ The

⁴¹¹ An ILO suggestion to appoint one of its employees was rejected. Suggestions came from Lord Buxton, President of the African Society, and John Harris, a well-known campaigner of the Anti-Slavery Society. *Request of the Liberian Government for the appointment of a member by the Council: Financial arrangements and general correspondence*, R2356, LONA.

⁴¹² Eric Drummond feared that the inquiry would be abandoned by the Liberians after the resignation of Meek, but this never materialised. *Record of a conversation between Cuthbert Christy and Eric Drummond*, 7 February 1930, 6B-14352-14697, R2356, LONA.

⁴¹³ "Dr. Cuthbert Christy." *Journal of the Royal African Society* 31, no. 124 (1932): 339–41. Johnson, "Seasons in Hell," 179.

⁴¹⁴ *Record of a conversation between Cuthbert Christy and Eric Drummond*, R2356, LONA.

⁴¹⁵ Johnson, *Bitter Canaan*, xxxvii.

⁴¹⁶ *Ibid.*, xliii. Johnson, "Seasons in Hell," 206–207.

appointment of all members had cleared the way for the two foreign nationals of the commission and their staff to depart, via separate routes, to Liberia and commence the investigation – by now scheduled to start at end of March. Before this phase of the inquiry, it is useful to take a closer look at how the appointment process happened. Rather than turn towards dispassionate individuals, i.e. nationals of countries with no stake or interest in Liberia, the commission was destined to be dominated by interested parties.

There were notable discrepancies in the selection of the candidates, due to the fact there was no single authority put in charge to finalise the composition. Thus, the United States, Liberia and the League were largely left to their own preferences to select a suitable candidate: this could be on the basis of proximity to the authorities (Barclay), a practical knowledge of inquiries (Johnson) or a familiarity with the tropical climate (Christy). Only the American and British commissioners received some vetting before their appointment, although they were chosen due to their availability rather than a set of rigorous criteria.

There was no active attempt to balance or find a distribution of competences among commissioners. Although three distinct professional types were chosen (a lawyer, a sociologist and a medical practitioner), none of the individuals had elaborate expertise on Liberian labour relations and international law. The additional staff was only chosen in function of the workload and specific requirements – local translation – and did not compensate for any of the deficiencies in expertise.

Although much of the declarative language was coated in terms that referred to competence and impartiality, the eventual choices revealed a sense of pragmatism under the constraints of time and diplomacy. In the summer of 1929, the United States had vowed to select as its nominee ‘an unprejudiced investigator of sound and sympathetic judgment’ but in its choice for Johnson, another rationale was clearly kept in mind: a black commissioner would help to stymie future criticism, both by the African American press as the Liberian Government.⁴¹⁷ As a State

⁴¹⁷ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 301, 306.

Department official disclosed: 'it would make for a much better impression among Negroes of this country if the report were signed by a man of their own race.'⁴¹⁸ For instance, when the State Department informed the Liberian Government of its nomination, it was careful to stress the fact that Johnson was an 'American Negro' who had investigated interracial relations.⁴¹⁹ Perhaps unwillingly, the United States had also chosen someone who would be interested in tense relationship between the Americo-Liberian elites and the native population of Liberia.

In theory, the League was the experienced actor in terms of organising investigations: it could rely on precedents set by the Persia inquiry and the Greek-Bulgarian (Rumbold) Commission, which is suggested in the preparatory work of selection of candidates.⁴²⁰ Yet, a major constraint was the fact that the Liberian case was handled by the Mandates Section, which unlike the Political and Social Sections had limited institutional experience with inquiries on the ground. As a result, diplomatic considerations were of greater importance than rigorous procedures to ensure expertise and impartiality. Early on, the search was centred on the nationality of the future commissioner. The Secretariat's conventional idea of impartiality – small-country and neutral representation – was upheld with the appointment of Meek but abandoned in the case of Christy. It was a feat of irony that Christy, the chosen commissioner, turned out to be a national of a country with major colonial possessions and economic interest in Africa. The radical switch of professional backgrounds, between Meek and Christy, furthermore, suggests that ad hoc decisions and pragmatism were dominant drivers in the appointment process. Overall, the League of Nations played a minor role in the composition of the commission. To the outside world, the organisation was keen to stress that its duties 'in connection with the investigation begin and end with the appointment', as it considered the United States the primary mover behind the

⁴¹⁸ Johnson, *Bitter Canaan*, xxxii.

⁴¹⁹ *Appointment of the International Commission of Inquiry*, 1929, vol. 3, FRUS, 315-316.

⁴²⁰ *Request of the Liberian Government for the appointment of a member by the Council: Financial arrangements and general correspondence*, R2356, LONA.

investigation.⁴²¹ Yet, the League, perhaps unknowingly, would take a more sizeable role in the following stages of the investigation.

From an institutional perspective, all three appointments exemplified the lack of a consistent procedure in the appointment process – an outcome that fell short of high ideals but was not exceptional to (League) inquiries in this period. Rather, appointments were based on stakeholderism, personal contacts and the informal advice from professional acquaintances. Unexpected obstacles and contingency reinforced a tendency for ad hoc decisions in the process.

The inquiry

The imperial internationalist context prefigured in the origins and immediate catalysts that contributed to the establishment of an inquiry, namely in the multi-level field of competing political interests, the power dynamics that pressured Liberia into acceptance, and the prevalence of a civilisational standard that excluded an investigation into other cases of forced labour (in territories under imperial rule). Although the United States had shown a desire to expose facts of wrong-doing by the Liberian Government, it was led by self-interest and racialised thinking in the appointment of its commissioner. Imperial internationalism would also play a role in the inquiry's working conditions, as the following section shows, from the preparation of the assignment, to the methods and practices pursued on the ground, but also palpable in the obstacles and sources of tension the commissioners encountered in Liberia in the spring of 1930. The unfamiliar but politicised environment emerges in stark delineations in the diaries of Cuthbert Christy and Charles Johnson, two of the commissioners who wrote extensively about the inquiry, as well as in the various correspondence with the League Secretariat and the US Legation in Liberia.⁴²²

⁴²¹ *Letter to Hugh Dalton of the Foreign Office*, 18 December 1929, 6B-14352-14352, R2356, LONA.

⁴²² The diaries are unpublished although Johnson's Liberia diary formed the basis for a book on the history and make-up of the Liberian society named *Bitter Canaan: The Story of the Negro Republic* (with a useful introductory essay written by John Stanfield). The book was published several decades after his death, because Johnson did not find the time during his professional career to finalise his draft. Source-information from the Johnson diary was also collected via Philip James Johnson's PhD dissertation on Johnson's time spent in Liberia.

Preparation and arrival

The appointments of Christy and Johnson already revealed their limited expertise with regard to Liberian affairs. Johnson, however, was informed about the inquiry at the end of 1929 and therefore was given a lot of time to prepare himself for the assignment. In contrast, Christy's late addition to the team meant he had to leave for Monrovia soon after his acceptance. The Christy papers make no indication of a detailed preparation before the mission; rather, his diary suggests that most of his understanding of the case was gathered during the assignment. Johnson toured the US and Europe to gain access to relevant documents and speak to State Department and League officials. His main intentions were to get a better understanding of Liberia's history but also to reflect on the practice of inquiry. During a visit to London he tried to speak to Friedrich Westermann, who had documented some of the languages in the region around Liberia. Since Westermann was not available, Johnson was told to talk to the Polish anthropologist Bronisław Malinowski instead. The anthropologist was no Liberia expert, but Johnson's recollection of the conversation reveals a vexed desire to know more about the characteristics of native Liberians as well as ethnographical methods that could be of use during the inquiry.⁴²³

On the surface, the two-week stay in Europe was not fundamental in terms of preparation for his travel to Liberia. According to Phillip Johnson, 'Europe served more as a means for fulfilling formal obligations than it did toward collecting any solid information that he could use in Liberia.'⁴²⁴ His visit made Johnson familiar with the European view on Liberia and how colonial science and related disciplines had approached the question of labour conditions. *Bitter Canaan* and his diary present an image of studiousness and a desire to fill gaps of knowledge. His travel to Monrovia was characterised by reading extensively about Liberia, British indirect rule and travel accounts of Africa. Johnson also consulted Raymond Leslie Buell's *The Native Problem of*

⁴²³ Johnson, *Bitter Canaan*, xxxviii. Bronisław Malinowski was a key figure for the school of functional anthropology. His influential work provided scientific authority to the idea of 'indirect rule' over colonial territories. See: Freddy Foks, "Bronisław Malinowski, 'Indirect Rule,' and the Colonial Politics of Functionalist Anthropology, ca. 1925–1940." *Comparative Studies in Society and History* 60, no. 1 (January 2018): 35–57.

⁴²⁴ Johnson, "Seasons in Hell," 179.

Africa, to familiarise himself with many of the claims made concerning present-day labour conditions of the natives.⁴²⁵

Christy arrived in Monrovia at the end of March, several weeks after Johnson and his assistant Matheus had made it to the Liberian capital. The American commissioner had made use of his time to explore Monrovia's vicinity and meet members of the American legation, representatives of Firestone and the Bishop of the Episcopal Church. In their diaries, both Christy and Johnson showed concern with the extreme weather conditions, which were likely to complicate travel in the Liberian hinterland. Early encounters between all three commissioners sparked few candid observations; only Johnson gave in some detail a description of Christy, as an 'interesting sort' who was knowledgeable about medicine but with a mind that 'runs in deep grooves.'⁴²⁶ In an early sign of tension, Johnson felt that Christy was quick to draw conclusions on the basis of rumours. From his diary, Christy indeed showed an attentiveness towards rumours, although he was quick to dispel their authenticity and worth.⁴²⁷

The first major obstacle presented to the commission was not an internal one, but the consequence of political intrigues in Monrovia. The Liberian Government had been divided over the inquiry since its inception: cabinet members fearful of the outcome, continued to thwart plans to let the investigation run its course. Briefly before the official inauguration, Christy and Johnson received from President King a list of suggestions with regard to the constitution and functioning of the inquiry commission. For instance, it suggested a 'rotary chairmanship', while the government would assign a permanent secretary to assist the commission during interviews and recording of statements. In case of illness of one of the commissioners, the Liberian Government was allowed the right to appoint a replacement. None of the suggestions had been discussed in

⁴²⁵ Johnson, *Bitter Canaan*, xl.

⁴²⁶ *Ibid.*, xli. Johnson, "Seasons in Hell," 187-188.

⁴²⁷ Diary entries for 1-2 April 1930, from: *Christy's diary notes of the Liberia trip*, Cuthbert Christy Papers, 124/8/1, Royal Commonwealth Society Library Collections (hereafter RCMS).

advance with the United States or the League. Rather, they signified a genuine attempt to hamper and even threaten the work of the inquiry.⁴²⁸

There were other worries that kept the commission preoccupied. Christy and Johnson were unsure whether commissioner Arthur Barclay would pursue his assignment as an independent investigator or rather act as a representative of the Liberian Government on the commission. Johnson noted that the elder Barclay believed that the inquiry would only take two months' time, and that the visitors should only be visiting the 'interesting hinterland' afterwards – this was meant to limit the collection of witness statements to the capital and coastal region.⁴²⁹ Meanwhile, the commission heard that the President was struck by an unknown illness and could not yet inaugurate the commission. Johnson professed to his wife that 'everything conceivable is intervening to postpone the formal consultation of the body and beginning of its inquiry.'⁴³⁰

On 7 April 1930, the ceremony to establish the inquiry commission took place. The event was organised with decorum, although Johnson and Christy had been left in the dark about the planned proceedings. Both were asked to give unprepared speeches, in which they chose to uphold the virtue of impartiality. Christy described the inauguration as 'the most trying occasion I have ever gone through', while Johnson in his letters sent home already showed signs of homesickness and disappointment.⁴³¹

The preparatory stage of the inquiry typified different dynamics and tensions that would continue to return during the assignment. Barring initial conflicts within the commission, it was evident that the American and British commissioners had two very different sets of experiences and professional backgrounds and would need to find agreement in how to mediate the investigation in light of Liberian interference and the pressure to deliver results to the outside world.

⁴²⁸ Johnson, "Seasons in Hell," 194-195. Diary entries for 5-6 April 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴²⁹ *Ibid.*, 188-189.

⁴³⁰ Johnson, *Bitter Canaan*, xli.

⁴³¹ *Ibid.*, xlii. Diary entry for 7 April 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

Proceedings

The inquiry proceedings span a period of four months. The inquiry started on 8 April 1930 with the first meeting of the commissioners and would last until 8 August, when the final witness statements were taken in the capital. The commission organised hearings for witnesses from 14 to 29 April in Monrovia. Afterwards, they proceeded to different parts of the country, starting with Kakata sixty miles south of the capital and Cape Palmas in Maryland County, the southernmost part of the Liberian coastal line. Citing his old age, commissioner Barclay opted not join the investigation in the interior and stayed behind in Monrovia. Barclay's part in the actual investigation was minor, however, as commissioner he held the power to sign any future report or submit his own version of events.⁴³²

In the following months, Christy, Johnson and their staff spent time working in the hinterland, visiting places more difficult to reach in order to take statements from people living in the interior villages. To cover a wider area, the two commissioners decided to take separate routes and document statements from different regions, and then to meet again in Webbo. In early July, they returned together to Monrovia, where the final hearings continued for another month. Statements were taken from individuals both in the capital and other parts of the country, however, in the hinterland the commissioners also organised informal hearings with larger groups of people, who expressed their statements through a local spokesperson. In an overview, the commission lists 264 separate dispositions, of witnesses including paramount chiefs, sub-chiefs, natives, cabinet members and public officials of various ranks. These figures were identified by the inquiry in their final report for the Liberian Government.⁴³³

The first meeting of the inquiry commission on 8 April revealed a couple of tensions that would continue to haunt the inquiry for the remaining time spent in Liberia. First, there was the matter of chairmanship of the commission – a delicate question that also in other inquiries was subject

⁴³² For a while there were fears that Barclay would submit a minority report. Diary entry for 14 July 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴³³ *International Commission of Inquiry in Liberia* (Geneva: League of Nations, 1930), 8. Christy, "Liberia in 1930," 528-529.

to discussion. The League Secretariat had suggested Christy to refuse the chairmanship of the commission so Barclay might need to take the responsibility.⁴³⁴ Before his departure, Christy had shown consideration for the Secretariat's view, however, in the end he accepted the appointment and took great pride in its symbolism – articulated in his personal diary. This was also noticeable to Johnson, who observed that Christy 'wanted to call it "President"; then to sign all letters, approve all correspondence, write the minutes, lead the expeditions.'⁴³⁵ The relationship grew tense over the fact that Johnson was sceptical of any difference in hierarchy and felt that the position of chairman should represent no distinction in powers.

The relationship between Johnson and Christy did not improve over the next weeks, as the American became increasingly disconcerted by the views expressed by his British colleague. In Johnson's writings, Christy is depicted as someone who favoured white rule in Africa and thought that Liberia was 'a hundred years' behind the European nations. Johnson sensed a strong difference when it came to the issue of race. At some point, Christy claimed that the Liberians would be anxious to talk because they 'want help and relief and intelligent guidance from Europeans.'⁴³⁶ Christy's diary shows an ambiguous view on the Liberian republic: the British commissioner was greatly impressed by its accomplishments over the last century but kept a paternal view with regard to its inhabitants and their capacity to compete with the rest of the world.⁴³⁷ Whereas Christy reasoned along civilisational lines and seemed open to prospect of white supervision over Liberian affairs, Johnson was more favourable towards the 'experiment in Negro self-rule' and defended the continued independence of the country. With regard to their personal bond Johnson wrote in contrasting terms about Christy, describing him at the same time as polite, gracious and childish in his manner. In particular, he struggled to tolerate Christy's

⁴³⁴ *Letter from Edouard de Haller to Cuthbert Christy*, 14 February 1930, 6B-14352-14697, R2356, LONA.

⁴³⁵ Johnson, "Seasons in Hell," 199-203.

⁴³⁶ *Ibid.*, 205. Christy, "Liberia in 1930," 538.

⁴³⁷ For example, in a note sent to the Foreign Office: 'The Liberians are not wholly to blame for their present low standards of morals and public rectitude. They have really achieved great things unaided in their 100 years of existence on the "Coast" (...) They cannot compete with the thriving concerns around them managed by white men with a long start of them in mental and social development and assisted by the resources and competitive standards of a home country.' From: *Note from Christy to the Foreign Office*, 14 December 1930, Cuthbert Christy Papers, 124/8/7, RCMS.

reliance on anecdote and travel memory to demonstrate a point, a tendency 'to apply Congo to Liberia, or South America to Polynesia'.⁴³⁸ A similar contrast is found in Christy's writings, who felt appreciation for Johnson as a companion and a thinker but saw no similarities between themselves: 'Johnson and Matheus are both black men and I find it difficult sometimes to fit in with their ways.'⁴³⁹

The slight strain on the personal bond between Johnson and Christy risked clouding their judgement of the facts – particularly when questions of race and Liberian governance were addressed. Yet, the inquiry achieved results in the first weeks. In their diaries, both commissioners mentioned how evidence was collected through witness statements that helped to put the pieces of the puzzle together. The inquiry commission collected statements that clarified how government officials instructed the Liberian Frontier Force to raid villages and round up able men in order to ship them to Fernando Po. Early on, testimony was collected that revealed the participation of important political figures, such as Vice-President Yancy, and confirmed many of the alleged labour practices.⁴⁴⁰

After 28 April, the two commissioners made their first expedition to the hinterland. The first hearings organised in the interior villages provided ample evidence of the difficult living conditions of the native Liberians, as well as the decisions of government officials that forced villagers to deliver unpaid labour for public purposes. As town chiefs addressed the main concerns of the villages, Johnson noted the clear signs of anger between officials and population of the hinterland.⁴⁴¹ The American commissioner had an eye for the plight of the native Liberians and documented their behaviour and the ways in which they responded to the commission's presence. In contrast, Christy was minimal in sharing impressions of what he had seen at the hearings, barring a sporadic reference: 'intimidation, ill treatment and extortion – day after day

⁴³⁸ Johnson, "Seasons in Hell," 203.

⁴³⁹ Diary entry for 18 May 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴⁴⁰ Johnson, "Seasons in Hell," 204. Diary entries for 10, 13 April and 20 May 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴⁴¹ *Ibid.*, 210-212.

the same thing'.⁴⁴² In his diary writings, the British commissioner was concerned primarily with the curious and odd of his Liberian visit – he jotted down rumours and strange encounters.

Next to the diverging experiences of Johnson and Christy, there were multiple concerns that hindered the functioning of the inquiry. These ranged from intimidation, suspected poisoning, public unrest over rumours, staff issues to the difficult travel conditions, all of which are briefly elucidated here because they provide a perspective on the challenges of the assignment.

First, Liberian officials tried break to the courage of people to go to the hearings and protest. Johnson professed that 'there is evidence that the men are made uncomfortable, fined, ground down' although he observed the impossibility of Liberian officials of stopping the native population to turn out and speak.⁴⁴³

Second, the recurrence of illness kept the commissioners worried. Christy was struck several times by an unknown illness for which there was no immediate cause. Johnson showed concern for attempts at deliberate infection, for example when an obscure herbalist insisted on him to drink a cup of tea.⁴⁴⁴

Third, a flow of rumours concerning the commission persisted during the investigation, many of which were noted down by Christy in his diary and the subject of correspondence with the League: 'The people live here on rumours which for the most part are groundless. Only three days before our return to Monrovia the President himself, we have been informed, told several persons that one of the commissioners had been drowned in landing at Marshall.'⁴⁴⁵ In particular, a rumour of Liberia being turned into a mandate was the subject of much speculation. While the

⁴⁴² Diary entry for 18 May 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴⁴³ Johnson, "Seasons in Hell," 207, 212.

⁴⁴⁴ *Ibid.*, 213, 220.

⁴⁴⁵ *Letter from Christy to Eric Drummond*, 8 July 1930, 6B-14352-19240, R2356, LONA.

League sought to disavow the idea of a mandate, the rumour led to perennial restlessness amongst the Liberian population.⁴⁴⁶

Fourth, the additional staff failed to live up to the expectations of the commissioners. The Liberian Government had appointed a secretary to the commission, Plenyono Gbe Wolo, who was perceived by Christy and Johnson as unfit to fulfil any of his administrative tasks. Moreover, Christy suspected that Wolo's sole function was to provide President King with daily reports of the proceedings.⁴⁴⁷ Major Jackson, the personal secretary to Christy, created another staffing problem. Jackson was sent home after a month, after Christy had decided his secretary showed no aptitude for the job: 'his deafness and inability to understand the local modification of American-English (...) debars him from carrying out his part of the work on the Commission.'⁴⁴⁸

Fifth, the minimal infrastructure, the tropical climate and the rainy season presented a major challenge to the investigation in Liberia's hinterland. Much of journey had to be done on foot, as frail bridges over rivers could not support a car. Accommodation was scarce so the commissioners were left to their own devices. The harsh living conditions of the natural environment exacerbated existing tensions within the commission. Particularly Johnson showed signs of struggle with a region he was unaccustomed to. His mood soured in the presence of his British companion: 'I fear I have been most glum all day. [...] Fed up. When Christy thinks I am getting too much attention he tries hard to get it understood that only he knows Africa.'⁴⁴⁹ Meanwhile, Christy claimed exasperation over the fact that Johnson and Matheus came to Liberia with no suitable equipment: 'I have had to talk to both Johnson and Matheus how to do things –

⁴⁴⁶ Christy, "Liberia in 1930," 531. *Record of a conversation between Eric Drummond and Antoine Sottile*, R2356, LONA. *Denial of reports regarding possibility of intervention in Liberia by the United States or other powers*, 1930, vol. 3, FRUS, 331-332.

⁴⁴⁷ Diary entry for 17 April 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴⁴⁸ Diary entries for 23 and 25 April 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴⁴⁹ Johnson, "Seasons in Hell," 227.

they literally arrived here with nothing.' Christy took on the role of seasoned traveller; in his diary he mentioned selling equipment and schooling them in using these things.⁴⁵⁰

After exploring together for a while, Christy and Johnson decided to take separate roads. Even though this was meant so they could visit more villages and speak to a larger number of local chiefs, the impression was left that they preferred to work apart.⁴⁵¹ This was a strategy that paid off in terms of collecting evidence: Johnson and Matheus managed to collect additional evidence about the offshore labour shipments. 'I can now account for 1380 boys recruited by force for Fernando Po.'⁴⁵² In addition, they gathered statements from women that showed how they were maltreated and held prisoner by Liberian soldiers – after their men had been taken away for labour. 'The soldiers used us as their wives for nine months against their will, we who had husbands and children. They had guns and we could not protect ourselves and our husbands could not protect us.'⁴⁵³ The two commissioners met up again in Webbo and shared their collected testimonials before setting off to the border with Ivory Coast. The last part of the investigation would be concluded at Monrovia, where they would be reunited with Arthur Barclay and planned to work on the report.

Methods and practices of inquiry

The abundance of personal observations and correspondence left by Christy and Johnson has helped to establish a better picture of the people they encountered and the testimonials they collected but also contain reflections on their attitudes towards the inquiry and their positions as impartial investigators on the ground. These reflections help to build an understanding of the role the individual subject plays in fact-finding and how the report-writing has been shaped by their personal agency – a key element of the imperial internationalist framework.

⁴⁵⁰ Diary entry for 18 May 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS. *Second Brief Progress Report (Confidential)* by Cuthbert Christy, 7 May 1930, 6B-14352-19240, R2356, LONA.

⁴⁵¹ 'Johnson is anxious to attempt to run his own show I think and it is a good opportunity for him to do so. (...)'. Diary entry for 20 May 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴⁵² Johnson, "Seasons in Hell," 242.

⁴⁵³ *Ibid.*, 243.

Johnson showed particular aptitude towards reflection on what inquiry meant and which methods should be pursued to fulfil the assignment. In his view, 'a commission of inquiry and not a court; that testimonial evidence was [...] only a fraction of factual evidence and usually the least convincing of it; that evidence meant documents, observations, the assembling of as many elements of a situation as to constitute for any person an objective fact.'⁴⁵⁴ He claimed that he did not possess 'the prerogative of God in determining who was lying and who was telling the truth.'⁴⁵⁵ As a consequence, Johnson was determined to focus on the collection of facts, through different forms of evidence and the triangulation of information, to establish in an objective manner what had occurred. His personal writing reads as part account, part methodological reflection of his time spent in Liberia.

In contrast, Christy's diary offers scant information about his views on the inquiry. Yet, in a letter sent to League Secretary-General Drummond, one gets a sense of an approach: 'I have no personal or other reasons for being anything but impartial in this inquiry, and my estimate of the right or wrong of any point is pretty securely based on what I have seen during many years in other parts of tropical Africa.'⁴⁵⁶ Whereas Johnson sought for an objective standard to assess facts, Christy's writing rather suggests an approach based solely on his personal experience to judge the merit of factual information.

The writings of Johnson, especially his book *Bitter Canaan*, offer several examples of how he pursued his assignment as a social scientist, of which one or two are relevant to mention here, because they altered the way in which the inquiry was conducted. For instance, Johnson suggested not to rely on translators appointed by the government or the commission, but to let witnesses bring their own interpreters to the hearings. The American commissioner was concerned with the reliability of the translation and wished to fend off any accusations of partiality. Johnson thought there was an advantage in using external translators, 'a point that

⁴⁵⁴ Quote from: Johnson, *Bitter Canaan*, xxxvi. Also: Johnson, "Seasons in Hell," 196.

⁴⁵⁵ Johnson, "Seasons in Hell," 196.

⁴⁵⁶ *Letter from Christy to Eric Drummond*, 8 July 1930, 6B-14352-19240, R2356, LONA.

cannot be argued against successfully, because if a man gives false testimony or complains that he is misinterpreted it is his own fault'.⁴⁵⁷ In another example, Johnson is seen to experiment with new forms of recording evidence. He had brought a 'small field machine' which made it possible to make recordings of the witness statements on wax discs.⁴⁵⁸ Here again, his attempt to records the statements on a (semi)permanent carrier displays a need to overcome partiality, the imperfections associated with written minutes and the unreliability of witnesses and their interpreters. The recorded statements created the possibility to double-check, correct and evaluate earlier records.

More than scientific undertaking, Johnson also saw his stay in Liberia as an opportunity to understand the native life in the Liberian republic, an interest which had emerged from his sociological research but also during his preparation for the journey and discussions in London. In particular, the hinterland held great promise to the American scholar: 'Only by such direct observation and conversations with natives in the setting of their own villages would it be possible to apprise the testimony heard in the formal sessions in Monrovia.'⁴⁵⁹ Prior to the inquiry, Johnson had developed his sociological thinking along the lines of the Chicago School, with Robert E. Park as a main influence, which combined data collection (of census data, surveys) with participant observation in the field to understand the characteristics of African American social life in the United States.⁴⁶⁰ Many of those methodological techniques appear in Johnson's approach to the inquiry, for instance, when taking pictures of local life and taking part in celebrations of the population.⁴⁶¹ In comparison, Christy showed less inclination to fuse his

⁴⁵⁷ Johnson, *Bitter Canaan*, 211.

⁴⁵⁸ Johnson, "Seasons in Hell," 207.

⁴⁵⁹ Johnson, *Bitter Canaan*, 199.

⁴⁶⁰ *Ibid.*, xlix-li. Mary Jo Deegan, "Chicago School of Sociology," Oxford Bibliographies in Sociology, accessed 22 August 2016, <http://www.oxfordbibliographies.com/view/document/obo-9780199756384/obo-9780199756384-0007.xml>.

⁴⁶¹ Johnson, *Bitter Canaan*, lv-lvii.

assignment with reflections on the nature of facts and the role of science in inquiry, except when it concerned questions of medicine.⁴⁶²

Both men aspired to impartiality, at least in a nominal sense, but the source material unmasks several limitations to their fact-finding techniques. First, the foreign commissioners did not carefully reflect upon the motivations of their witnesses. The testimonies of local chiefs in the hinterland against the Liberian Government were not only driven by the labour scandal but by a more general disdain of central authority in Monrovia. Seen from an imperial internationalist perspective, the interior tribes were still in a struggle with the Americo-Liberians over the question who could exert local control and whether the hinterland should be opened to foreign trade. Christy did not look beyond 'native complaints' whereas Johnson was very appreciative of the village populations, perhaps ignoring the power dynamics at play in Liberian politics.

Second, each commissioner came with a set of personal interests on their journey in Liberia. Given the fact that the inquiry was a temporary assignment, the members would soon return to their professional context. Johnson collected ideas and materials which would figure in his book *Bitter Canaan*, an attempt to synthesise his anthropological approach to inquiry, whereas Christy used his experiences gathered in Liberia to speak before scientific societies after his return.⁴⁶³ In hindsight, diverse motivations may have driven Christy and Johnson – apart from the inquiry – such as personal fame and financial reward.⁴⁶⁴

Third, the members of the commission were perceptive to threats that endangered their assignment, ranging from intimidation, interference to rumours, as well as the limitations of relying on witnesses. Yet, their own personal biases never received any visible scrutiny. Although Christy and Johnson had eye for each other's stances, they did not reflect how their own opinions

⁴⁶² Diary entry for 1 May 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS. *Chatham House private meeting*, 27 March 1931, Cuthbert Christy Papers, 124/8/7, RCMS.

⁴⁶³ *Chatham House private meeting*, 124/8/7, RCMS. Cuthbert Christy, "Liberia in 1930," 515-540.

⁴⁶⁴ Johnson's aspiration to write a book also did not pass Christy unnoticed: 'I now have learnt I believe what his motives are. He wants to write up make use of all the material we have for a book as soon as he gets back to the States.' Diary entry for 13 August 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

were shaped and influenced by pre-conceived knowledge and prejudice. In the case of Christy, this is evident from the manner in which he makes judgements: 'This witness as far as I could see has spoken what he thinks is the truth, nothing would shake him (...) I am of opinion that he spoke the truth.' Nothing in the diary suggests that Christy considered any standard of proof. Moreover, bias was also palpable in the manner which Christy was himself in a paternal role to the Liberians: 'The natives, however, look to me being a white man as their father, talk to me when giving evidence and look upon me as the responsible part of the Commission.' His condescending view on the population, and his colleagues, was inseparable from his desire to see 'white assistance' in Liberia.⁴⁶⁵

Personal bias in the case of Johnson comes across as subtler; much of it was related to his wellbeing and emotional state, characterised by homesickness. The American was concerned about being away for a long period from home, but he was not conscious that his gloom also affected his working relationships with Christy and Matheus – which became strained as they developed.⁴⁶⁶ Once, Johnson expressed to a colleague that he is a person 'who gathers facts and leaves it to others to draw conclusions', however, the Liberian inquiry also demonstrated that personal and environmental conditions had an impact on how fact-finding took place.⁴⁶⁷

The attitudes towards inquiry and the conditions of fact-finding may not appear to be the most decisive factors in the outcome of the investigation. Yet, some of the above-mentioned examples, such as Christy's views steeped in imperial modes and repertoires as well as Johnson's concern for the plight of the native population, had palpable implications for the internal dynamics of the commission. Their personal biases and interests provoked disagreement and strained their working relationship. These factors resurfaced when the commission had to assess the gathered

⁴⁶⁵ *Note from Christy to the Foreign Office*, 124/8/7, RCMS.

⁴⁶⁶ Johnson, "Seasons in Hell," 227. Johnson, *Bitter Canaan*, xxxvii. Diary entry for 13 August 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴⁶⁷ Johnson, "Seasons in Hell," 275.

facts and decide on a common interpretation concerning the root causes of labour scandal and possible solutions and recommendations.

The report

By the middle of June, preparations were underway that would lead to the final report a couple of months later. After their return to Monrovia, Christy and Johnson commenced with the organisation of their notes, while the commission still had final hearings with witnesses in the capital city.⁴⁶⁸ With some luck, the American commissioner had obtained papers from the customs collector which detailed the number of shipments to Fernando Po – backing up the stories of the native chiefs.⁴⁶⁹ The report-writing presented the commission with a final test to bridge divisions and to decide on the delicate matter of forced labour, which had seen contestation between domestic political factions as well as international actors. As such, neither the internal dynamics of the commission nor the historical context can be left separate when considering the analysis and written conclusion of the Liberia inquiry.

For the first draft of the report, it was clear that Christy and Johnson were set on taking different approaches to the task. According to Johnson, Christy had kept his note-taking (apart from the diary) to a minimum and chiefly relied on his memory to come up with a draft. In contrast, Johnson had intended to use a card system to allow a more systematic organisation of the evidence and statements collected in Liberia. A clash of visions soon ensued, and the months of July and August were characterised by disagreements. Johnson found Christy's approach 'unwieldy and scattered' and therefore suggested to let him prepare the notes, so Christy could write an initial version of the report. Upon seeing Christy's draft, the sociologist was extremely displeased with his colleague's working method and vented his anger: 'hysterical, extreme statements in summary fashion, condemning the whole government and calling everything slavery, slave dealing, slave traffic, etc.' Johnson offered to prepare a more detailed narrative that

⁴⁶⁸ Diary entries for 5 and 11 June 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴⁶⁹ Johnson, "Seasons in Hell," 260.

included all the findings, which Christy would work out into the final report. Christy, however, felt that Johnson was trying to rush the undertaking so he could take off before the end of August. Each of them in their writings sought to present the report-writing as an outcome of their individual hard work, rather than a collaborative effort.⁴⁷⁰

The commission of inquiry was set to criticise the labour conditions in Liberia, although it would refrain from suggesting an overhaul of Liberia's government. Christy had shown greater favourability towards a form of white supervision or even an international authority, such as the League, to set Liberia on the right track. This reflected his own views, a belief in the existence of a sacred trust with Africa and the good a 'sympathetic administration' could bring to Liberia. 'I think the only possible thing to do is to get white administrators in those districts in the interior under a white adviser in Monrovia.'⁴⁷¹ Johnson, on the contrary, believed that white administration would not necessarily herald improvement. He tried to convince his colleague of his desire to condemn the present government, rather than the type of government that was in place. In a display of nuance, Johnson articulated that the scope of inquiry was limited and therefore could not condemn those parts of the state and regions of the country that were well-functioning. The outcome, in the report, was compromise that focused on the domestic capacity for reform but left the door open for external help – by European or American civil servants.⁴⁷²

Worries remained over the position of Arthur Barclay, who had only participated in the commission's proceedings in Monrovia and had seen few of the findings made by the other commissioners. Yet, Barclay's loyalty to the government withered after he saw the extent of evidence collected on labour conditions. One of his grievances was that native Liberians had no adequate access to justice in dealing with the authorities. This resulted in the former Liberian President agreeing with the report's findings, rather than to present a minority view.⁴⁷³ Johnson

⁴⁷⁰ Johnson, *Bitter Canaan*, xliii. Diary entries for 13 and 20 August 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

⁴⁷¹ *Chatham House private meeting*, 124/8/7, RCMS.

⁴⁷² Johnson, "Seasons in Hell," 262. *International Commission of Inquiry in Liberia*, 87.

⁴⁷³ *Ibid.*, 272.

finished the report and submitted the original copy to the Liberian Government on 8 September – as had been specified in the terms of reference. He gave another copy to the US Legation and also took a copy with him, when leaving Monrovia on 11 September, to present to the State Department.⁴⁷⁴ In addition, Johnson had drafted a supplementary set of observations which he also submitted to the Department's officials, providing more information about key figures and describing in detail his working relationship with Christy.⁴⁷⁵

The official report of the inquiry commission to Liberia presented a strong condemnation of the policies pursued by the Liberian Government, in particular those that had led to the suppression and exclusion of the interior population. While no evidence of slavery in the classic sense of the word was found, the commission did collect witness statements that indicated the existence of domestic slavery and pawning. The commission strongly criticised Liberia in the case of forced labour practices for public purposes and the unlawful shipment of labour to the island of Fernando Po. Firestone, however, was exonerated from responsibility in the affair. Rather, the commission had grounds to believe that government officials, in particular Vice-President Yancy, were responsible for the persistence of these conditions of administration. Government policies had fostered 'ill-treatment, extortion and coercion of the natives', with no access to education nor judicial redress.⁴⁷⁶ 'Under the circumstances the present situation seems to demand a complete and urgent reorganisation of the Government of the Interior if the future stability of the Republic is to be secured, or alternatively saved from failure.'⁴⁷⁷ The report suggested the curtailment of public labour programmes, the removal of corrupted district commissioners, a thorough selection of new candidates for the civil service, and the possibility of attracting administrators from

⁴⁷⁴ Johnson, *Bitter Canaan*, xlv.

⁴⁷⁵ The British explorer was presented as dogmatic, although he 'was amenable to fact and reason, at times reversing judgment completely with such facility as to give the impression of instability.' From: Johnson, "Seasons in Hell," 275.

⁴⁷⁶ *International Commission of Inquiry in Liberia*, 85.

⁴⁷⁷ *Ibid.*, 87.

Europe or America. Finally, the commission proposed that all protectionist policies should be abandoned, in favour open trade and educative links.⁴⁷⁸

When considering the structure and language of the report more closely, three elements emerge that shed light on the attitudes of its authors and how these influenced the recommendations. First, is the adherence to what is labelled a 'factual outlay' of events, which represents the 'best judgment' of the commission.⁴⁷⁹ Despite inherent tensions between objective facts and selective judgement, the commission was careful to stress its impartial consideration of the evidence, and the usage of facts rather than opinions in the establishment of its final conclusions.⁴⁸⁰ The report presented no grounds for doubt, left no alternative explanations but stuck to the adage, 'to let the facts speak for and classify themselves'.⁴⁸¹

Second, the quasi-judicial tone creates the impression of a court hearing and goes back to the international origins of inquiry. Johnson's claim that an inquiry was a fact-finding body, not a court, did not find much reflection in the use of judicial language and concepts. For example, witness statements had to be started with the sentence 'This is to certify that', while in other cases people appeared 'under oath' and gave a 'sworn testament'. The disposition of evidence, the receipt of testimony and the corroboration (of facts) taken together with phrases such 'the Commission is of the opinion that', demonstrate a muddled distinction between a judicial court and a commission of inquiry – a institutional ambiguity that also characterised inquiries organised by The Hague – with the League example taking over some of the (testimonial) powers and display of language.⁴⁸²

Third, the spectres of race and civilisation made their appearance in the report, for instance in the representation of a 'small independent Negro State' that had closed itself off from 'the white

⁴⁷⁸ *International Commission of Inquiry in Liberia*, 89.

⁴⁷⁹ *Ibid.*, 9.

⁴⁸⁰ For example, see: *Ibid.*, 31.

⁴⁸¹ *Ibid.*, 12.

⁴⁸² *Ibid.*, 53.

man'.⁴⁸³ Lines were drawn between the civilised and uncivilised inhabitants of Liberia, visible from the distinction between the 'unsophisticated native' and the 'educated Negro'.⁴⁸⁴ As a consequence, the report espoused a view of racial hierarchy between white and black, with an extra differentiation in the latter category for the presence or absence of civilisational standards. These were views closely associated with Christy, as expressed in his diary and Johnson's notes. Nevertheless, it is noteworthy that Johnson never strongly opposed his British colleague and did not try to change the overall racialised tone of the report. Johnson as black American was concerned with the plight of the native Liberians, yet he did not question the notion of a hierarchy and the prevalence of a civilisational standard – for which he was labelled as 'too conservative' by fellow black Americans.⁴⁸⁵

The report of the Liberia inquiry was meant to present the evidence gathered during the investigation and sought to underline the fact-finding credentials and imperial character of its members. However, a close reading of the proceedings and preparatory stages of the report, reveals another story hidden beneath the claims of impartiality and a quasi-judicial tone. Although the report presented a lot of detail on forced labour practices, the assignment had been characterised by the conflicting views of the commissioners, each of them subject to individual bias, emotion and personal interest, as well as a range of external conditions that had shaped the investigation. The inquiry was subjected to multi-level forms of political contestation, between domestic factions and various international players, over the question whether Liberia was capable to execute its reforms of interior administration or required external assistance.

Aftermath

Once the official report was communicated, all major stakeholders – United States, Liberia, the League of Nations – were expected to respond to the findings and conclusions of the investigation

⁴⁸³ *International Commission of Inquiry in Liberia*, 77.

⁴⁸⁴ *Ibid.*, 85, 89.

⁴⁸⁵ Philip Johnson notes that Charles Johnson had 'the image of a self-centred, essentially weak-willed scholar afraid to raise his voice on behalf of society's underdogs'. Yet he also thinks a reappraisal of Charles Johnson is warranted, as an innovative sociologist and an important voice in the African-American community. Johnson, "Seasons in Hell," 287.

in the nearby future. This section details the range of actions undertaken by all three, in public discourse, private statements and diplomatic negotiations, to understand how the commission's work was received and used to serve domestic as well as foreign policy interests.

The United States was in a position of early access to the commission's findings because both the Legation and the State Department had been provided with the copy of the report – it did not have to await the Liberian Government's official communication. The Chargé in Monrovia and the Secretary of State heaped praise on Johnson, for his 'valuable and unselfish contribution to the achievements of that body'.⁴⁸⁶ According to John Stanfield, the State Department took Johnson's comments seriously and his findings were used in the US policy with regard to Liberia in the following years. It is worthy to recall here that the State Department had already collected ample information about the allegations, among others via the Patton report of the Episcopal Church. Johnson's report, however, confirmed most if not all of the evidence for the forced labour scheme, but also gave the State Department a platform to encourage administrative reform.

Shortly thereafter, the US would publicly condemn Liberia's government for the existence of forced labour practices encouraged by officials and reach out with an offer to help the republic with policy changes. Moreover, the report's exoneration of Firestone helped the State Department to absolve itself of any direct responsibility with regard to perpetuity of labour conditions in Liberia. There is no evidence that Johnson had received clear instructions from the State Department in late 1929, before his departure to Europe.⁴⁸⁷ On the contrary, Johnson was little aware of the Department's stance on the matter, nor the diplomatic background that had led to the inquiry.⁴⁸⁸ President Hoover and Secretary of State Stimson may have chosen Johnson precisely because they considered he would be amenable to American assistance in support for Liberian affairs. By the second half of September, a summary of the commission's findings and its

⁴⁸⁶ *Investigation of forced labour conditions in Liberia by an International Commission; opposition to proposed reforms; resignation of President King*, 1930, Volume 3, FRUS, 373-374.

⁴⁸⁷ Phillip Johnson mention of the close resemblance with the State Department's opinion of the report's conclusions, but he provides no evidence of collusion. Johnson, "Seasons in Hell," 277.

⁴⁸⁸ Johnson, *Bitter Canaan*, xxxiii-xxxvi.

recommendations was made public in the United States, which led to heated discussion in the African American press and provoked a call for a change of government.⁴⁸⁹ Meanwhile, the US Legation was instructed to work behind the scenes with President King and come to a reform plan that would be acceptable for his cabinet and could quell the public outrage over the findings.⁴⁹⁰

Nevertheless, the inquiry report had left the Liberian cabinet in a quandary. Liberian President Charles King expressed 'mortification' over the findings of the report, even though he was long aware of the complicity of Vice-President Yancy in the forced labour scheme.⁴⁹¹ King was not directly condemned by the commission, contrary to Yancy and several district commissioners, yet the report confirmed how corruption had festered within his cabinet. For the time being, the scandal was still confined to a small number of complicit individuals and King did not face immediate criticism for his handling of the matter, because the report had not been published in full. The initial response was to cooperate with US officials to work on a reform programme that would fulfil the recommendations made by the inquiry. However, disagreement within the cabinet and public pressure rendered this plan impossible. To begin with, Secretary of State Edwin Barclay put pressure on King not to concede too much on the question of reforms – especially when it came to open trade, external advisers and foreign assistance.⁴⁹² King had watered-down the proposed reforms, a retreat from what he had discussed with the US Legation in order to retain full support of his cabinet, but also began to criticise the commission, which 'had gone beyond the terms of reference' and condemned his opponents for deliberately creating rumours.⁴⁹³

At this point, the State Department lost confidence in King's management of the scandal. Since the Liberian Government had refrained from making the commission report public, the US Secretary of State used the opportunity to express his profound 'shock' at the revelations: new reports

⁴⁸⁹ Muhammad, "'Slavery in Liberia'," 132.

⁴⁹⁰ *Investigation of forced labour conditions in Liberia by an International Commission; opposition to proposed reforms; resignation of President King, 1930*, vol. 3, FRUS, 350-353.

⁴⁹¹ *Ibid.*, 350.

⁴⁹² *Ibid.*, 352.

⁴⁹³ *Ibid.*, 364-365.

emerged of the Liberian Frontier Forces harassing the native population, for their alleged participation in the inquiry.⁴⁹⁴ The President faced growing domestic opposition. During the month of October, a Citizen's Non-Partisan League was established to start a petition to demand King's resignation. Across the country, mass meetings were held that registered 'disapproval of the many illegal practices discovered by the International Commission to have existed within this Republic.'⁴⁹⁵ By the end of November, the Liberian legislature felt the position of the Liberian leadership became untenable and called for the resignation of both the President and the Vice-President. The eventual decision by King to step down followed a week later on 3 December, one day after the resignation of Vice-President Yancy. The State Department would be equally dismayed about the person who was expected to assume the presidency: Edwin Barclay, the Secretary of State, who was considered by the Department as 'openly anti-white and opposed to the International Commission's recommendations.'⁴⁹⁶ The United States' attempt to exert pressure had only won a 'pyrrhic victory', according to Ibrahim Sundiata, because the new cabinet would be less amenable to a constructive relationship with the United States.⁴⁹⁷

Just as before, the League of Nations came late to the diplomatic stage.⁴⁹⁸ The Liberian question could not officially be discussed before the Liberian Government had officially circulated the report and the League had distributed copies to its members.⁴⁹⁹ Yet, Liberian representative Sottile did not await the report to give a full-fledged defence of the country at the Sixth Committee meeting of the Assembly in September 1930. Therein, he stressed once again his governments'

⁴⁹⁴ *Investigation of forced labour conditions in Liberia by an International Commission; opposition to proposed reforms; resignation of President King*, 1930, vol. 3, FRUS, 367.

⁴⁹⁵ *Correspondence with individuals, etc., respecting the report of the Commission*, 6B-14352-23545, R2356, LONA.

⁴⁹⁶ *Investigation of forced labour conditions in Liberia by an International Commission; opposition to proposed reforms; resignation of President King*, 1930, vol. 3, FRUS, 378-379.

⁴⁹⁷ Sundiata, *Brothers and Strangers*, 126.

⁴⁹⁸ Although the Mandates Section had kept close track of developments, in cooperation with the US representation in Switzerland (see sections files concerning Liberia and slavery: S1670, LONA).

⁴⁹⁹ A copy was sent by the Liberian government early October but publication of the report by the League only happened early December, a significant delay in comparison to the United States which had direct access to Johnson's copy of the report. The League was bound to publish the official version and could not make use of Christy's version. Diary entry for 14 October 1930, from: *Christy's diary notes of the Liberia trip*, 124/8/1, RCMS.

voluntary decision and as well as the considerable progress made – although this time he did not deny the existence of cases of slavery and forced labour. Rather, Sottile suggested again to compare the Liberian case with other African countries: ‘Is it really possible to say that there are no cases of slavery in any other part of Africa?’⁵⁰⁰ This question would be raised later again, but meanwhile the League Secretariat was in discussion with the United States over a future course of action.

In multiple records of conversation between Secretary-General Drummond and Prentiss Gilbert of the US representation in Switzerland, the men discussed the possibility of joint action by the United States and the League to impel the Liberian Government to pursue an administrative reorganisation.⁵⁰¹ In its diplomatic manoeuvres, the League was careful not to undertake anything without the explicit agreement of the United States: for instance, at this stage it had refused to commit foreign assistance to Liberia, upon request by Sottile, for fear of crossing its American partner.⁵⁰² The League, however, took action in a different regard. It informed Spain of the upcoming publication of the report, that might lead to criticism over Fernando Po: ‘there were certain passages which would place the Consul, and perhaps the Spanish Government, in a somewhat unfavourable light.’⁵⁰³ The imperial internationalist framework aids here to identify how power was wielded through the report’s findings to raise pressure on Liberia, although it was constrained by political contestation between the United States and the European powers (within the League) and the differentiated approaches they would take in the next years. The imperial hierarchical nature of the international system materialised in the League’s efforts to forewarn Spain.

⁵⁰⁰ “Minutes of the Sixth Committee: Fifth Meeting 23 September 1930.” *League of Nations Official Journal* 11, Special Supplement no. 90 (September 1930): 58-63.

⁵⁰¹ *Preparation of the final report of the Commission*, 6B-14352-22321, R2356, LONA.

⁵⁰² *Note from Arthur Salter*, 19 May 1930, 6B-14352-14352, R2356, LONA.

⁵⁰³ *Ibid.*

The commission's findings were only discussed in full at the Council meeting of the League of Nations that took place in January 1931, several months after the end of the inquiry.⁵⁰⁴ Both Liberian representative Sottile and Cuthbert Christy were invited to present their views on the report. Antoine Sottile informed the Council about the acceptance of the commission's recommendations, the prospect of a reform programme and the changes in government. Sottile thanked the commission for its work but made use of the occasion to highlight a number of deficiencies of the inquiry. Sottile argued that the commission had regularly overstepped its authority and the terms of reference, departed from normal inquiry procedures by letting the commissioners work on their own, and it was influenced by opponents of the government. Once again, Sottile stressed the voluntary nature of Liberia's call for the inquiry and asked for sympathy, in the light of similar situations that could be found in other African territories. Spain was never questioned over the role of Fernando Po and although the suggestion of a general commission to investigate allegations had been discussed by the League, the question was not pursued due to lack of support from the European imperial powers.⁵⁰⁵

Sottile's main question to the Council related to the nature of the suggestions and recommendations given, and to what extent they would need to be seen as an imposition.⁵⁰⁶ The new Liberian Government was fearful of increased international tutelage as a result of the forced labour inquiry. Christy's comments to the Council were brief and stressed both the overwhelming evidence contained in the report and the necessity to overstep the terms of reference in order to present the 'conditions of maladministration in the interior of the Republic were at the root of the

⁵⁰⁴ The issue was placed on the agenda by Poland, upon request of the Mandates Section, as Great Britain did not wish to be seen as both accuser and rapporteur of the case. See: *Discussion at the 62nd Session of the League of Nations Council*, January 1931, 6B-14352-24864, R2357, LONA.

Poland kept an interest in Liberia in the aftermath of the investigation, see: Piotr Puchalski, "The Polish Mission to Liberia, 1934-1938: Constructing Poland's Colonial Identity." *The Historical Journal* 60, no. 04 (December 2017): 1071-96.

⁵⁰⁵ Colonial powers legitimised their continued rule with the participation in the mandate system and the supposed eradication of uncivilised practices, even though there was significant continuity of pre-war abusive practices. See: Paul E. Lovejoy, "Slavery in the Colonial State and After." In *The Palgrave Handbook of African Colonial and Postcolonial History*, eds. Martin S. Shanguhya and Toyin Falola (New York: Palgrave Macmillan US, 2018) 103-22.

⁵⁰⁶ "Report of the International Commission of Inquiry in Liberia." *League of Nations Official Journal* 12 (February 1931): 186.

most of the troubles'.⁵⁰⁷ The British commissioner believed it was impossible for Liberia to make the necessary changes without help from outside.

The President of the Council expressed urgency regarding the matter and instructed Polish Rapporteur August Zaleski to communicate his suggestions before the next session. In his later report, the Polish representative expressed that 'the Council will not leave unanswered the Liberian Government's appeal to its sense of international solidarity' and suggested the appointment of a small committee to help the Liberian Government with the implementation of the recommendations. Zaleski noted the 'special interest' shown by the United States and suggested the country should take part in the meetings.⁵⁰⁸ The Council accepted the suggestion for the committee. In 1931, the committee headed by a French lawyer, named Henri Brunot, would advise the Liberian Government on financial and administrative reforms and present a final report – similar as was done by the inquiry commission.⁵⁰⁹

The Brunot Committee was an attempt to give foreign assistance to Liberia a more technical character, under the precept of expertise rather than tutelage. The new Liberian cabinet under Edwin Barclay had no desire to see its sovereignty infringed upon; an earlier suggestion by the US Chargé in Monrovia to install an 'international governing commission' was forcefully rejected.⁵¹⁰ Hence, the League's approach of sending another investigatory team to suggest how the implementation of administrative reforms could proceed, was a compromise that met less resistance by Liberia but could satisfy demands for reform. The State Department assumed that the League experts would 'merely substantiate much of the material already available regarding the necessity of reforms', however, it had lost with King a more reliable interlocutor in the Liberian Government.⁵¹¹ The committee focused on 'sanitation' measures, rather than the implementation of the recommendations made by the original inquiry. Neither the League of

⁵⁰⁷ "Report of the International Commission of Inquiry in Liberia," 186.

⁵⁰⁸ *Ibid.*, 218.

⁵⁰⁹ Akpan, "Ethiopia and Liberia, 1914-35," 736.

⁵¹⁰ *Proposed international committee of control in Liberia and continued non-recognition of the Barclay administration*, 1931, Volume 2, FRUS, 661-662.

⁵¹¹ *Ibid.*, 679.

Nations nor the United States would be able to influence the West African country much through 'international manoeuvres': they failed to agree on a joint course of action, while the presidency of Edwin Barclay (from 1930 until 1944) kept any threats to the sovereignty of his country at bay.⁵¹²

In the aftermath, Charles Johnson and Cuthbert Christy played only marginal roles. The British doctor was critical of the sanitation efforts undertaken by the Brunot Committee, as he considered the League had ignored the crux of the problem: 'two million natives in the interior who are ill-treated, that reports of this treatment frequently get out and Commissions have been asked for and nothing has happened.'⁵¹³ Johnson never returned to Liberia, but worked on his book *Bitter Canaan* and corresponded with a number of Liberians, who kept him informed about the continued tensions between the government and the hinterland population. On several occasions, Johnson took a stance in the debates of the African American community on the Liberian question. While W.E.B Du Bois chastised Western imperialism for exacerbating the forced labour crisis, Johnson put the blame with the Americo-Liberians who had sought to exploit the local population. This confrontation pointed to a larger problem faced by the African American community in the US: how to confront social oppression in black-ruled Africa? Liberia could no longer be the projection of Pan-African aspiration, nor a successful case of self-government. The evidence of forced labour and domestic servitude put into question the exemplar success of an independent country ruled by black citizens.⁵¹⁴

Conclusion

The Liberian inquiry was neither voluntary nor instigated by the League of Nations. The investigation had come because public allegations and reports had persuaded the State Department that action was warranted – in order to maintain its economic presence in Liberia

⁵¹² Dunn (et. al.), *Historical Dictionary of Liberia*, 34. D. Elwood Dunn, *The Annual Messages of the Presidents of Liberia 1848–2010: State of the Nation Addresses to the National Legislature* (Berlin: Walter de Gruyter, 2011) p. 806.

⁵¹³ *Chatham House private meeting*, 124/8/7, RCMS.

⁵¹⁴ Sundiata, *Brothers and Strangers*, 1-11.

and absolve itself from any responsibility over the forced labour scandal. Although the League was absent in the initial stage, its participation was considered to bring impartial guarantees to the investigation. The 1926 Convention formed the legal basis upon which international action could be justified, however, the League also represented colonial powers – eager not to see the scandal extend outside of Liberia.

Hence, some form of cooperation was found between the League and the United States – the latter not a member but cooperative in much of the former's 'technical work' – to gather evidence and in turn pressure the Liberian Government into administrative reforms, under the guise of Western impartial expertise. Liberia, a state ruled by Americo-Liberian elites with limited industry and dependent on foreign investment, seemed set to fracture due to a series of contestations: at the domestic level, against its own native population, and at the international level, against a coalition of actors that favoured significant change to the way the country was administered.

The significance of this chapter lies in how the multiplicity of political tensions and power-dynamics came to play out in what was introduced to the outside world as an international fact-finding mission, put together the United States, Liberia and the League. Its ad hoc instructions, set in bilateral negotiations rather than in a public format at the League, were to gather facts and present a dispassionate view of the situation. The chosen candidates were mostly unaware of the imperial internationalist context that had sparked the inquiry, the result of American pressure and the threat of international scrutiny by means of international law. Political fault lines touching upon issues of sovereignty, civilisation, race and foreign tutelage, were reproduced within the inquiry.

Cuthbert Christy, a late addition to the team, was a British commissioner steeped in the tropics of colonial Africa with an aptitude for racialisation and thinking along the lines of a civilisational standard. Arthur Barclay, the Liberian member, was a former Liberian President and insider to the Americo-Liberian elite (including those keen to protect their interests in a forced labour

scheme). Finally, Johnson as a black sociologist was someone who showed empathy for the native cause and Liberian independence but unwilling to overturn the existing hierarchies of international relations. The commission was given discretion to formulate its own solutions and recommendations and steer the debate on Liberia's political future.

The Liberia inquiry held the veneer of impartiality and fact-finding high, even though its work was plagued by outside pressure and a personality clash on the team. Despite some of its scientific innovations, it was subject to bias, the physical and emotional strain of the undertaking and the socio-political mindsets of its protagonists. The report was mired in a quasi-judicial language that revealed racialised thinking and idioms of a civilisational standard. Yet, the inquiry laid bare an extensive scheme of forced labour exploitation that would result in high-level political resignations. In the end, the biggest hurdle for the inquiry was the question, whether the administrative changes to end forced labour practices had to be pursued by the Liberian Government or with the assistance and 'sympathetic' supervision of foreigners.

A narrative which had the semblance of a classic case of foreign intervention, however, also shed light on the complex role played by the League and ultimately, Liberia's capacity to fend off accusations at the international stage through its representation at the League. The Geneva-based organisation brought the matter of forced labour and slavery to the attention of its member states, although in its search for more transparency and the role of public opinion, its action disproportionally affected a weaker state such as Liberia. No inquiry of forced labour in colonial and mandated territories was actively considered. The League's Mandates Section was put in charge to follow up on the Liberian case, despite the country's full membership of the organisation. Yet, the League's action, partly in coordination, partly in rivalry with the United States, also foreclosed colonial powers from seizing to exploit the labour scandal to their benefit and strengthen an imperial agenda in West Africa. Technical expertise through the Brunot Committee rather than paternal tutelage was the outcome, a sign that the League's use of soft power and a civilisational standard also could pacify the renewed scramble for Africa.

Although the United States had never favoured direct rule over Liberia – for the most part it sought to extend its economic interests to the closed West African economy – its gamble with ongoing political pressure backfired in the aftermath of the investigation. With the replacement of Charles King brought about through public opposition by the more protectionist Edward Barclay, the United States lost its grip over the cabinet. Liberia, meanwhile, held onto its sovereignty and League membership.

5: The Inquiry Commission for the Manchurian Crisis

Fact-finding as an interim measure

‘There has never been so sharp a test for the League - that is,
for the whole recuperative forces of civilisation.’
(Gilbert Murray, “Manchuria and the League”, *The Times*, 14 October 1931)

Introduction

A decade into its existence, the League of Nations was confronted with a direct clash between China and Japan. The two original members of the League were involved in a long-standing conflict concerning Japan’s special interest in the three North Eastern provinces of China, comprising the region of Manchuria, and which risked the territorial integrity of the Chinese mainland. The Lytton Commission constituted in the wake of the Manchurian crisis, which erupted in September 1931 over a railway explosion in Mukden, has entered history as the best-known example of a League of Nations inquiry, because the crisis threatened peace and the regional balance of power. Moreover, it presented the League with the most significant test-case for a fact-finding mission and the League’s overall dispute-resolution mechanism enshrined in the Covenant. The League took up the task with confidence. According to Frank Walters, after a number of minor successes in Europe and West-Asia the organisation ‘had acquired a complete mastery of the new technique of international action. The problems of method and procedure, which had taken up so much time and trouble in the earlier years, had been solved.’⁵¹⁵

The small-scale incident involving the railway exploited by the Japanese-owned South Manchuria Railway Company on 18 September 1931 in Mukden led to repeated hostilities over the following months between the Chinese and Japanese armies with material destruction and civilian losses in densely populated areas and the creation of a new state of Manchukuo in the three North Eastern provinces; it culminated in Japan’s withdrawal from the League of Nations in the spring of 1933. Although these events occurred several years before, the Manchurian crisis has been

⁵¹⁵ Walters, *A History of the League of Nations*, 295.

identified as one of the contributing factors to the outbreak of the Second World War.⁵¹⁶ Certainly, the Sino-Japanese dispute shook the foundations of peace in East Asia but for scholars it also had profound ramifications for the League's international standing. Critics thought the League had failed to contain the situation from the start and reproached the inquiry for failing to deescalate the conflict. According to F.S. Northedge, the inquiry 'bore every appearance of being little more than an academic exercise and this was reflected in the leisurely way in which the commission went about its work.'⁵¹⁷ In recent years, international historians have softened their views towards the work of the Lytton Commission in particular, but the overall perception still carries traces of institutional paralysis and a failure to prevent future war.⁵¹⁸

While a lot of ink has been spilled over the Sino-Japanese dispute⁵¹⁹, in the context of the inter-war crisis of international diplomacy and the coming of the Second World War, few scholars have closely examined the significance of the commission as a display of fact-finding in an imperial internationalist context.⁵²⁰ By 1931, the League had successfully managed to use fact-finding in tense diplomatic environments, where time was of the essence to avoid further escalation, to bring disputing countries back from the brink and restore the territorial status-quo. However, the situation in Manchuria was infinitely more complex due to local and regional power contestations as well as the long history of Western imperial entanglements and continued commercial interests. Here, inquiry had to reconcile the ideal of impartial fact-finding with high diplomatic

⁵¹⁶ However, the Japanese historiography has focused on the 'incident' rather than the crisis. R.J. Overy, *The Inter-War Crisis 1919-1939* (London: Longman, 1994). Sandra Wilson, *The Manchurian Crisis and Japanese Society, 1931-33* (London: Routledge, 2002).

⁵¹⁷ Northedge, *The League of Nations*, 150; Ian Hill Nish, *Japanese Foreign Policy in the Interwar Period* (Westport: Praeger Publishers, 2002), 90.

⁵¹⁸ Housden, *The League of Nations*, 101. Ruth B. Henig, *The League of Nations* (London: Haus Publishing, 2010), 149.

⁵¹⁹ For an overview see: David M. Gordon, "Historiographical Essay: The China-Japan War, 1931-1945." *The Journal of Military History* 70, no. 1 (2006): 137-82.

⁵²⁰ Ian Nish has acted as a trailblazer with his attention to the Manchurian crisis in the context of a broader Japanese interaction with the international political system. His work has touched upon the inquiry team's work on the spot, also expanding upon their biographical particularities. However, Nish dedicates no specific interest to inquiry as a distinct League-technique. See: Ian Hill Nish, *Japan's Struggle with Internationalism* (London: K. Paul International, 1992). Ian Hill Nish, "Germany, Japan and the Manchurian Crisis: Dr. Heinrich Schnee and the Lytton Commission." In *Deutschland-Japan in Der Zwischenkriegszeit*, eds. Josef Kreiner and Regine Mathias (Bonn: Bouvier Verlag, 1990), 91-140.

stakes, most notably the absence of will by the major Western powers to confront an increasingly confident, regional power set on expanding its empire to the Chinese mainland.

The current historiography has put great emphasis on Japan's distinct⁵²¹ modernisation trajectory after the Meiji Restoration in 1868 to explain its search for imperial expansion and regional hegemony in the early twentieth-century.⁵²² However, Japanese ambitions in China should also be regarded from the wider inter-war political context, notably through the lens of the international system set up after the First World War with its imperial hierarchies and civilisational underpinnings. In 1905, Japan had shaken the beliefs in the supremacy of Western civilisation after its victory over Russia; by the inter-war years, Western powers perceived it as an imperial power whose regional interests could no longer be ignored – even though Japanese appeasement risked their privileged trade access to China. Japan justified its expansion in East Asia mirroring the European discourse in its efforts to colonise large swaths of world in the preceding decades, namely in the name of the spread of civilisation and the development of peoples. Even though the European powers that underscored the League's authority in the resolution of the Manchurian crisis had few doubts about Japan's blatant expansionist ambitions, they were unwilling to directly confront another imperial power over the territorial integrity and sovereign rights of a divided China. Repeated appeals by the Chinese representation in Geneva would fail to produce an international consensus on how to bring Japan back into the fold.

As the chapter shows, the lengthy investigation taken up by the Lytton Commission revealed the fabricated events at Mukden and Japanese imperial designs through the creation of Manchukuo but did little to avoid these changes from occurring in the North East of China. The fact-finding inquiry is framed around the history of Chinese-Japanese relations, to ensure an equitable

⁵²¹ This concerns the question whether Japan's modernisation represents an anomaly in modern history. See: Louise Young, "When Fascism Met Empire in Japanese-Occupied Manchuria." *Journal of Global History* 12, no. 2 (July 2017): 274.

⁵²² Thomas W. Burkman, *Japan and the League of Nations: Empire and World Order, 1914-1938* (University of Hawaii Press, 2008). Louise Young, *Japan's Total Empire Manchuria and the Culture of Wartime Imperialism* (Berkeley: University of California Press, 1998). Peter Duus, Ramon H. Myers, and Mark R. Peattie, eds. *The Japanese Informal Empire in China, 1895-1937* (Princeton: Princeton University Press, 1989).

understanding of events that led to the Mukden incident in 1931. The chapter follows a familiar structure that focuses on the origins, catalysts, composition and character of the inquiry; it frames the practices and obstacles on the ground through personal agency, the League's institutional context, and the multi-level power dynamics emanating from the imperial hierarchies in the international system.

The origins

In the past, the vast plains of Manchuria⁵²³ have exerted a powerful attraction over foreign, imperial powers. China's northernmost territories remained largely undeveloped up until the late nineteenth century and provided a strategic location and commercial base for outsiders eyeing access to the Chinese market.⁵²⁴ Economic stagnation and military feebleness under the Qing dynasty (1636-1912) made the expansion into Manchuria an alluring opportunity for Russia and Japan, two rapidly modernising powers in the region. In 1895, after the First Sino-Japanese War, Japan forced China to make major territorial concessions after a humiliating defeat: Japan acquired the Liaodong peninsula, in the South East of Manchuria, and several islands (including Taiwan). European powers, such as Russia, France and Germany, that worried over the possible loss of trade access to China, successfully blocked key parts of the territorial grab – Japan was compelled to rescind its claim over the Liaodong peninsula.⁵²⁵

While France and Germany gained minor concessions, Russia benefited the most from the outside intervention. It moved into the Liaodong peninsula at the expense of Japan, and shortly thereafter started with the construction of a railway line. In 1898, a weakened China was left with no other option but to allow a lease (de facto an occupation) of the peninsula and other parts of Manchuria of strategic importance to the Russian imperial army. The newly constructed railway line in the

⁵²³ Now known as the Northeast of China, Manchuria has always consisted of the three provinces Heilongjiang, Jilin, and Liaoning, although may also include parts of the region Inner Mongolia.

⁵²⁴ Enhanced through the 'open door policy', of trade-access and privileges (for settlement, travel, exploitation) given to foreign empires.

⁵²⁵ Nish, "An Overview of Relations between China and Japan, 1895-1945," 601–23. Shinkichi Eto, "China's International Relations, 1911-1931." In *The Cambridge History of China, Volume 13: Republican China, 1912-1949, Part 2*, eds. John King Fairbank and Denis Crispin Twitchett (Cambridge: Cambridge University Press, 2002), 82-83.

South East of Manchuria (also known as the Chinese Eastern Railway) was a source of Japanese grievance and later became an important rationale for the Russo-Japanese War of 1904-05. After a surprising Russian defeat – the first time a modern European power had lost against a ‘backward’ nation⁵²⁶ – the Japanese victors won the rights over the leased territory and a monopoly to administer the railway line at the Portsmouth Peace Conference. Up until then, Manchuria had been a space of repeated foreign contestation, however, now it seemed destined to become a vital strategic asset in the hands of Japanese foreign policy-makers.⁵²⁷

The early twentieth century up until the 1930s saw a myriad of developments instrumental to the growing rivalry between China and Japan over the rights and interests in Manchuria. First, the Chinese Revolution of 1911 uprooted the imperial dynasty and led to the creation of the Republic of China. While the uprising came about as response to the decay under the Qing dynasty, factional infighting and warlords severely hampered the modernising efforts and territorial unity of the new regime. In Manchuria, the warlord Chang Tso-lin⁵²⁸ became de facto the local ruler, although his power was reliant upon the Japanese military– tacit support that delivered additional territorial concessions. The turbulences in mainland China, with rival governments in Peking and Nanjing as well as autonomous warlords, was a constant source of instability and lasted until the late 1920s when the nationalist (Kuomintang⁵²⁹) government in Nanjing prevailed over its rivals.⁵³⁰

Second, the Japanese had major plans for economic development in Manchuria after it obtained the lease from Russia. One of the first steps was the establishment of a South Manchuria Railway Company (SMR), a semi-autonomous public company (partly run by state bureaucracy) that took

⁵²⁶ Rotem Kowner, “Becoming an Honorary Civilized Nation: Remaking Japan’s Military Image during the Russo-Japanese War, 1904-1905.” *The Historian* 64, no. 1 (September 2001): 19.

⁵²⁷ C. Walter Young, “Sino-Japanese Interests and Issues in Manchuria.” *Pacific Affairs* 1, no. 7 (1928): 1–20. Eto, “China’s International Relations, 1911-1931,” 84-85.

⁵²⁸ Also known as Zhang Zuolin (pinyin).

⁵²⁹ Also known as Guomindang (pinyin).

⁵³⁰ J. A. G. Roberts, “Warlordism in China.” *Review of African Political Economy*, no. 45/46 (1989): 26–33. Mary B. Rankin, John King Fairbank, and Denis Crispin Twitchett. “Introduction: Perspectives on Modern China’s History.” In *The Cambridge History of China, Volume 13: Republican China, 1912-1949, Part 2*, eds. John King Fairbank and Denis Crispin Twitchett (Cambridge: Cambridge University Press, 2002), 49-73.

charge of all the responsibilities associated with the management of the railway line. However, SMR in many ways emulated the functions of a state in the leased territories (providing security through the Kwantung Army⁵³¹, diplomatic functions, health care and education to workers and their families). Manchuria was perceived by the Japanese Government as an important region for the country's future economic expansion: the Manchurian plains could supply Japan with agricultural crops and mineral products, but also provide a destination for Japanese emigration. Ramon Myers notes that the Japanese Government 'clearly understood the economic importance of Manchuria to Japan's economy and national security at the time the SMR strengthened its hold in that region.'⁵³² The railway company, as a modern enterprise and extension of the state, became vital to the projection of imperial power over Manchuria: the Japanese 'responded quickly to any external threat that might undermine the SMR'S activities.'⁵³³

Third, the First World War in East Asia acted as a watershed moment in Sino-Japanese relations, which steadily deteriorated from this time forth. As foreign powers were preoccupied with the war in Europe, Japan saw an opening to try and take the remaining German concessions and strengthen its hand in mainland China. In 1915, the Japanese Government presented a confidential list of 'Twenty-One Demands' to its Chinese counterpart that would solidify Japan's 'special interest' in China. Manchuria served as China's bread-basket, but its plains could also sustain a Chinese (or Japanese) surplus population in the future. The demands included a provision of additional rights for Japanese in terms of travel, residence, and trade, barred China from giving concessions to other foreign powers in the future and forced the Chinese Government to accept Japanese control over its finances and national security. The 'Twenty-One Demands',

⁵³¹ Initially known as the Kwantung Garrison, a semi-autonomous branch of the Japanese imperial army, assigned to the leased territories in Manchuria. Also see: Daniel B. Ramsdell "The Nakamura Incident and the Japanese Foreign Office." *The Journal of Asian Studies* 25, no. 1 (1965): 52.

⁵³² Ramon H. Myers, "Japanese Imperialism in Manchuria: The South Manchuria Railway Company, 1906-1933." In *The Japanese Informal Empire in China, 1895-1937*, eds. Ramon H. Myers, Peter Duus, and Mark R. Peattie (Princeton: Princeton University Press, 1989), 126.

⁵³³ *Ibid.*

offered under the threat of military force, would have sealed off China from the outside world by creating a Japanese protectorate on the mainland.⁵³⁴

Chinese negotiators sought to stall the talks with the Japanese and, meanwhile, leaked the list of demands to the press in hope of obtaining international support. Although the 'Twenty-One Demands' were eventually watered down – most levers of Japanese control over Chinese administration were removed – China eventually succumbed to the ultimatum and accepted the proposed agreement. The 1915 treaty following this accord was heavily criticised by foreign powers, particularly the United States and Great Britain, for its attempt to monopolise foreign commercial interests in China. Moreover, the negotiations under duress sparked national fervour and negative sentiments towards the Japanese among the Chinese population. This hostility would provide a salient ground for future protest movements against the Japanese presence and boycotts of Japanese goods in China. The 1915 treaty remained a thorn in the side of future Chinese governments, as they undertook successive attempts to overturn the agreement. For the Japanese, the treaty gave a justification for continued investment in Manchuria – underscored by the idea that the region could provide a 'lifeline' for Japan. As one Japanese commentator noted in 1933, 'Japan needs to feel politically and strategically secure in her territory [Manchuria] and to work out her own economic salvation.'⁵³⁵

Fourth, the post-war situation initially vindicated Japan's actions: The United States acknowledged Japan's 'special interests' in Manchuria in the Ishii-Lansing agreement of 1919.⁵³⁶ Moreover, German concessions (in China) were awarded to Japan at the Paris Peace Conference. Nish observes that, except for Japan 'everyone recognised that this part of the Versailles Treaty was unsatisfactory; but there was no time for lengthy debate at Paris and the matter was left to

⁵³⁴ A similar development occurred in Korea after it was annexed to the Japanese Empire in 1910. See Zhitian Luo, "National Humiliation and National Assertion: The Chinese Response to the Twenty-One Demands." *Modern Asian Studies* 27, no. 02 (May 1993): 297–319. Robert Gerwarth and Erez Manela, eds., *Empires at War: 1911-1923* (Oxford: Oxford University Press, 2015).

⁵³⁵ Hiroshi Saito, "A Japanese View of the Manchurian Situation." *The ANNALS of the American Academy of Political and Social Science* 165, no. 1 (1933): 160-161.

⁵³⁶ Franz Michael, "Japan's 'Special Interests' in China." *Pacific Affairs* 10, no. 4 (1937): 407–11.

post-conference diplomacy and to the newly-created League of Nations'.⁵³⁷ China's absence in the Allied war effort had not helped its case, but in the next years it would try and overturn the awarding of concessions to Japan. Both countries became members of the League, but initially no steps were undertaken in Geneva to deal with any territorial issues in East Asia. A breakthrough came with the Washington Conference of 1922, which partly restored the original German concessions to China (Shandong Treaty) and enshrined open door trade access and the territorial integrity of China in international law (Nine-Power Treaty).⁵³⁸

These small Chinese victories had wider ramifications for the East Asia region: although Japanese ties to the mainland were recognised, the international treaties concluded at Washington essentially created an obstacle to future imperial expansion from the Japanese in what it perceived as its regional sphere of influence.⁵³⁹ China received assurances that its territorial sovereignty was recognised in international law and would be upheld by the other foreign powers, thereby eliminating the possibility of new Japanese demands. Although the conference in 1922 brought temporary relief for Sino-Japanese relations, it did fuel a sense of grievance among Japanese hardliners who believed that a Western power-dominated international system had curtailed Japanese imperial ambitions. Although Japan would present itself as a model partner on the international stage throughout the 1920s – inter alia it signed up to the 1928 Kellogg–Briand Pact for the renunciation of war – part of the domestic population and political establishment endeavoured for a more assertive foreign policy.⁵⁴⁰

Finally, the decade leading up to the Manchurian crisis saw major upheaval in the domestic political situation of China, briefly alluded to in the first point. The Kuomintang Government in

⁵³⁷ Nish, "An Overview of Relations between China and Japan, 1895-1945," 609.

⁵³⁸ W. W. Willoughby, "Principles of International Law and Justice Raised by China at the Washington Conference." *Proceedings of the American Society of International Law at Its Annual Meeting* 16 (1922): 19–26. Michael, "Japan's 'Special Interests' in China," 407-408.

⁵³⁹ Burkman notes that Japan generally viewed the League and other international agreements as a device to 'establish a status quo conducive to the interests of America and friendly powers'. See: Burkman, *Japan and the League of Nations*, 211.

⁵⁴⁰ Nish, *Japan's Struggle with Internationalism*, 1-3. Raymond Leslie Buell, *The Washington Conference* (New York: D. Appleton and Company, 1922).

Nanking strengthened its hand after an internal party reorganisation and slowly gained control over the Chinese mainland during the second half of the 1920s. The unity achieved by the Nanking (Nationalist) Government, however, remained largely superficial as several warlords – among others Chang Tso-lin in Manchuria – and communist revolutionaries held out against the central authorities.⁵⁴¹ In 1926, Chang Tso-lin had even tried to proclaim himself leader of the Chinese Republic by taking Peking, the rival seat of republican power, much to the annoyance of the Kuomintang government. The Northern Expedition, an attempt by Nanking to regain control of the northern territories, was led by field marshal Chiang Kai-shek and resulted in the defeat of Chang Tso-lin's army in 1928. Japan played a significant role in this context of internal Chinese strife: it tried to extend its influence through the support of Chang Tso-lin by way of the Japanese Kwantung army. Even though the Kwantung command was originally a garrison for the leased territories in Manchuria, it grew into a sizeable army group with a leadership that acted autonomously from Japanese imperial high-command.⁵⁴²

The Chinese warlord Chang Tso-lin was at the centre of a complex web of intrigues and rivalries between Japan and China, as he tried to retain some degree of independence for Manchuria. This was suitable to Japan as, according to Young, it had 'taken a position which clearly [prevented] Manchuria from becoming united with the rest of China under the Nationalist [Nanking] Government.'⁵⁴³ Yet, Japan's assertion in the domestic politics of China, through its Kwantung military-arm in Manchuria, risked a direct conflict between the two countries. The relationship between Chang Tso-lin and Japan was also far from amiable. Within the Kwantung army, some were eager to get rid of the warlord and push Manchuria to the brink of chaos. A secret plot by a

⁵⁴¹ More generally, the transition from imperial rule to representative democracy was far from peaceful. See: Rebecca Nedostup and Liang Hong-Ming. . "‘Begging the Sages of the Party-State’: Citizenship and Government in Transition in Nationalist China, 1927– 1937." *International Review of Social History* 46, no. S9 (December 2001): 185-207.

⁵⁴² Albert Feuerwerker, "Japanese Imperialism in China: A Commentary." In *The Japanese Informal Empire in China, 1895-1937*, eds. Peter Duus, Ramon H. Myers, and Mark R. Peattie (Princeton: Princeton University Press, 1989), 433. Graham Hutchings, *Modern China: A Guide to a Century of Change* (Cambridge Massachusetts: Harvard University Press, 2003), 317-319. Edwin P. Hoyt, *Japan's War: The Great Pacific Conflict, 1853 to 1952* (New York: McGraw-Hill, 1986).

⁵⁴³ Young, "Sino-Japanese Interests and Issues in Manchuria," 6.

group of Japanese officers to assassinate Chang Tso-lin was successfully executed on 4 June 1928 but failed to create a situation of political instability in which the Kwantung army could justifiably intervene with force. On the contrary, Chang Tso-lin was quickly substituted by his son Chang Hsueh-liang⁵⁴⁴, who steered Manchuria closer towards Nanking in the subsequent years.⁵⁴⁵

The successive developments in the first decades of the twentieth century demonstrate that Manchuria served as of the setting for an intense power contestation between local, regional, and international actors. Warlords sought to hold off attempts by the central authorities to strengthen the unity of the Chinese Republic, while the Japanese expanded their rights and concessions to invest, developed infrastructure and cultivated resources with the help and means of the SMR and the Kwantung army group. In the meantime, self-interested Western imperial powers held a measure of influence over the foreign policy of China, as they continued to maintain 'open door' trade privileges in return for their support of Chinese territorial integrity.⁵⁴⁶ Signs of direct political contestation between Japan and China, however, became more explicit as the 1920s progressed, chiefly because of demographic causes and expanding state control. China's three North Eastern provinces were eyed by both countries as a destination for emigration – the Japanese agricultural 'surplus population', however, risked being overwhelmed by Chinese settlers as part of the 'Great Migration North'.⁵⁴⁷ Also, after 1928, Nanking's attempts to reintroduce a central authority in Manchuria, with its powers over taxation and trade, were perceived as a threat to Japanese special privileges and existing industrial investments in the region. The oversized role and visible presence of the Japanese state in Manchuria was arguably the single most important cause of Chinese nationalist agitation in the inter-war period.⁵⁴⁸

⁵⁴⁴ Also known as Zhang Xueliang (pinyin).

⁵⁴⁵ Eto, "China's International Relations, 1911-1931," 113-114. Hutchings, *Modern China*, 486. Nish 614-615; "Chang Tso-Lin." *The Times*, 7 June 1928.

⁵⁴⁶ "Open Door policy," Encyclopaedia Britannica, accessed 17 March 2017, <https://www.britannica.com/event/Open-Door-policy>.

⁵⁴⁷ Thomas R. Gottschang and Diana Lary, *Swallows and Settlers: The Great Migration from North China to Manchuria* (Ann Arbor: The University of Michigan, 2000).

⁵⁴⁸ Feuerwerker, "Japanese Imperialism in China," 435-436; Hutchings, *Modern China*, 234-235.

In sum, the crux of the disagreement boiled down to two distinctly opposing views on the status of Manchuria within the Chinese Republic. Whereas the Nanking Government viewed Manchuria as an indispensable part of an undivided China, the Japanese leadership viewed the region as historically separate from the rest of China. Therefore, it considered Manchuria could become a strategic 'lifeline' for the Japanese Empire.

The catalyst

By September 1931, the situation in Manchuria had grown dangerously tense. Just a month before, official news spread that a captain of the Japanese imperial army, Nakamura Shintaro, had been killed in the Western part of Manchuria (Inner Mongolia) in unclear circumstances. Nakamura was a member of the General Staff headquarters in Tokyo; supposedly, he had been tasked to map the Western border of Manchuria.⁵⁴⁹ During his incognito travels through Manchuria, Nakamura and three assistants had aroused the suspicion of Chinese soldiers, who detained all four men on the grounds of irregularities with their passports. Thereafter, it is assumed that Nakamura and his team were shot, and their bodies burnt to remove all traces of evidence.⁵⁵⁰ Confusion prevailed when the death of Nakamura became public during the summer of 1931, greatly exacerbated by the lack of cooperation between Chinese and Japanese authorities to find out what had occurred. Although the supposed Chinese culprits were eventually identified and handed over to the Japanese local authorities on 18 September 1931, ironing out the diplomatic row, many Japanese (including army officers) resented the slow response to the news as well as the ambiguous role played by the Chinese in the whole affair.⁵⁵¹

In this tense political context, any minor incident could easily escalate into a full-blown dispute. This would be the consequence of either one side losing its diplomatic self-restraint or another seizing the opportunity as a justification for a more forceful response. The events as they unfolded

⁵⁴⁹ The historiography differs on the exact purpose of his assignment: either this was mapping in anticipation of a war with (Soviet) Russia or he engaged in spying activities. Eto, "China's International Relations, 1911-1931," 114-115. Ramsdell, "The Nakamura Incident and the Japanese Foreign Office," 53.

⁵⁵⁰ Barbara Brooks 2002, *Japan's Imperial Diplomacy: Consuls, Treaty Ports, and War in China, 1895-1938* (Honolulu: University of Hawaii Press, 2000), 91-92.

⁵⁵¹ Nish, *Japan's Struggle with Internationalism*, 26, 30-31.

in Mukden on 18 September 1931 can therefore be framed in different ways. An explosion was reported near the South Manchurian railroad on the evening of 18 September which provoked a military answer from the nearby stationed Japanese Kwantung army. The days following the Mukden incident were mired in conflicting reports from both sides; a situation that bared resemblance to the deaths of Chang Tso-lin and Nakamura in which there also was uncertainty as to what exactly had transpired. The Japanese version condemned the Chinese for blowing up the railway and provoking an act of legitimate self-defence by the Japanese garrison. On the contrary, the Chinese denied any responsibility in the explosion and indicated they had offered no resistance to the Kwantung army. Nevertheless, the facts on the ground clearly showed a remarkable departure from previous quarrels: in immediate response to the Mukden incident, the Japanese Kwantung army, in what appeared to be an orchestrated movement, captured the Chinese barracks nearby and took over the walled city of Mukden. Despite attempts of the Japanese Foreign Ministry to stop the operation, local Kwantung army officers took autonomous decisions in response to the situation.⁵⁵²

In hindsight, it became evident that the Japanese narrative of an explosion was a fabricated story: the Mukden incident and the military response had been planned by a group of individuals within the Kwantung army – and it is questionable that even the high command was informed in advance. The operation undertaken by the Kwantung army was likely an attempt to achieve a stronger course of imperial action after a series of minor diplomatic frustrations. Ferrell observed that at the time the Japanese army ‘was far from a united, homogeneous group. The young officers in the 1920's had begun ever more openly to oppose their conservative superiors’.⁵⁵³ Yet, these facts were unknown to the public. As *The Times* noted on 21 September 1931, it remained to be seen ‘whether the Japanese are aiming merely to secure a settlement of their differences with the Chinese or whether they contemplate establishing themselves more firmly in South

⁵⁵² Nish, *Japan's Struggle with Internationalism*, 23-24.

⁵⁵³ Robert H. Ferrell, “The Mukden Incident: September 18-19, 1931.” *The Journal of Modern History* 27, no. 1 (1955): 69-72. Nish, *Japanese Foreign Policy in the Interwar Period*, 75-76.

Manchuria'.⁵⁵⁴ Without question, the Japanese side closed its ranks after the events at Mukden. The Japanese Government in Tokyo was eager to defend its special interest in Manchuria at all cost, even at the risk of war. The Chinese answer, in response to the orchestrated military action of the Japanese, was to make an appeal to the League of Nations.

These differentiated responses to the Mukden incident showed the power inequality comprising the relationship between China and Japan: the former sought help at the international stage, whereas the latter preferred to pursue direct (bilateral) negotiations to settle all outstanding issues. Upon instruction from Wellington Koo, a veteran Chinese diplomat and participant of the Paris Peace Conference, the Nanking Government communicated its appeal not only to the League of Nations and its major European members, but also to Washington.⁵⁵⁵ If Japan had violated the terms of the treaties agreed at Washington Conference of 1922, or the Kellogg-Briand Pact of 1928, then the United States would play a key role in the international response to the Manchurian incident. For the US Government, this would turn out to be another moment of closer cooperation with the League of Nations: in the next months, the US would send an observer⁵⁵⁶ to the Geneva Council meetings and the State Department would work alongside the League with regard to the Sino-Japanese crisis.⁵⁵⁷ The Chinese appeal to the League occurred under Article 11 of the Covenant, indicating a threat of war but not yet an irreconcilable rupture of diplomatic

⁵⁵⁴ "The Japanese Case." *The Times*, 21 September 1931.

⁵⁵⁵ Nish, *Japan's Struggle with Internationalism*, 32-33. Stephen G. Craft, 2000, "Saving the League: V.K. Wellington Koo, the League of Nations and Sino-Japanese Conflict, 1931-39." *Diplomacy & Statecraft* 11, no. 3 (2000): 91-112.

⁵⁵⁶ Initially this was Prentiss Gilbert, the American consul. Eventually, he was replaced by Charles Dawes. For the background see: J. B. Donnelly "Prentiss Gilbert's Mission to the League of Nations Council, October 1931." *Diplomatic History* 2, no. 4 (October 1978): 373-388.

⁵⁵⁷ Akira Iriye, "Japanese Aggression and China's International Position, 1931-1949." In *The Cambridge History of China, Volume 13: Republican China, 1912-1949, Part 2*, eds. John King Fairbank and Albert Feuerwerker (Cambridge: Cambridge University Press, 2002), 500-501; *Report by the Secretary-General on the action taken by the League of Nations*, 29 February 1932, 1A-31334-35602, R1872, LONA, 5-6. Steiner notes this cooperation soon 'collapsed', see: Zara S. Steiner, *The Lights That Failed European International History, 1919-1933* (Oxford: Oxford University Press, 2005). Henig, *The League of Nations*, 141.

relations. Although Article 11 gave the means to both the Assembly and Council to consider the question, the Chinese appeal was directed towards the Council for immediate examination.⁵⁵⁸

China's (non-permanent) membership of the League's Council meant that its representative, Arthur Sze, could directly address all members at the emergency sitting of late September 1931.⁵⁵⁹ Although the Council had briefly convened on 19 September, neither the Chinese nor the Japanese representative held sufficient information at the time to enter a debate about the facts of the incident. Several days later, on 22 September, a first discussion was initiated. The Chinese representative stressed the actual military occupation of Mukden and other places by the Kwantung Army, meanwhile he indicated that both Chinese soldiers and citizens had offered no resistance. From the Japanese side, the emphasis lay on the country's sincere desire to find a peaceful way to settle the matter – preferably through direct agreement. Japan's representative Kenkichi Yoshizawa acknowledged it would withdraw its troops as soon as the railway zone and its inhabitants were secured. The Council asked for both parties to abstain from new hostilities and seek the immediate withdrawal of troops, a position which was laid down in a resolution adopted on 30 September 1931. Hereby, the Council relied on the goodwill of both countries to restore the peace; it decided to use patience as a course of action. The resolution was an open road to another meeting in October, if the situation would warrant it.⁵⁶⁰

The situation on the ground in Manchuria rapidly moved beyond the diplomatic goodwill professed at the Council meeting in Geneva. In early October, the Japanese Kwantung army launched airstrikes on Chinchow⁵⁶¹, a regional city far removed from the railway zone. Hence, the argument made by the Japanese diplomatic representation in Geneva of security measures to protect citizens and investment in Manchuria became difficult to sustain. Also, the aerial bombing

⁵⁵⁸ The League's Twelfth Assembly was in progress but only took note of the appeal, without further action. *Report by the Secretary-General on the action taken by the League of Nations*, R1872, LONA. "The Covenant of the League of Nations," Article 11.

⁵⁵⁹ Japan, as a permanent member of the Council, was guaranteed a seat at the table.

⁵⁶⁰ *Report by the Secretary-General on the action taken by the League of Nations*, R1872, LONA, 4-5. *Discussion at the 65th Session of the League of Nations Council*, R1865, LONA.

⁵⁶¹ Also known as Jinzhou (pinyin).

campaign, supposedly in anticipation of a Chinese counteroffensive which never materialised, had been undertaken without the approval of the high command in Tokyo. At the time, the Japanese political and military establishments in the capital were divided over the Mukden incident. For instance, the Japanese Government comprised nationalist hardliners in favour of an expansionist policy, as well as internationalists advocating a conciliatory tone. Even within the Japanese imperial army there were senior commanders who cautioned against anything that would provoke a war. However, the Japanese Government felt pressured to publicly back the Kwantung in Manchuria – given the latter’s public support. Tokyo backed down and communicated to the outside world that anti-Japanese agitation in China had justified the army’s actions.⁵⁶²

On the Chinese side, the Nanking Government felt no desire to engage in a military conflict with a superior army force that would also risk the internal stability of the country. For Nanking, the communist movement posed a more direct threat than a future Japanese invasion.⁵⁶³ In other words, China put its trust in non-resistance and an international resolution of a regional dispute, anticipating that Japan was committed to finding a solution – which turned out to be a major miscalculation.⁵⁶⁴ Any hope for an immediate settlement would be shattered over the following months, as Japanese advances continued while no enforceable solution was found in Geneva. A succession of Council meetings in mid-October, under the presidency of Aristide Briand, led to a draft resolution that recalled the obligations under the Covenant and the Kellogg-Briand Pact and recommended the evacuation of all troops in parallel to the start of direct negotiations. A counter-proposal was submitted by Japanese representative Yoshizawa, which sought to delay an

⁵⁶² Another possibility is to see the Japanese actions as a response to precedents set in the past (the Corfu incident in particular). There was obvious Japanese disagreement with the League system of constraining upcoming powers against weak states. Europeans has circumvented the organisation when it did not suit their interests – so the Japanese observed they could try the same. See: Burkman, *Japan and the League of Nations*, 214.

⁵⁶³ The leader of Nanking government, Chiang Kai-shek, described this as a policy of ‘first internal pacification, then external’, see: So Wai Chor. “The Making of the Guomindang’s Japan Policy, 1932-1937: The Roles of Chiang Kai-Shek and Wang Jingwei.” *Modern China* 28, no. 2 (2002): 213.

⁵⁶⁴ Iriye, “Japanese Aggression and China’s International Position, 1931-1949,” 502. Burkman, *Japan and the League of Nations*, 167. Werner Levi, *Modern China’s Foreign Policy* (Minneapolis: University of Minnesota Press, 1953), 199.

immediate troop departure. According to Japan, the withdrawal of troops was conditional on the improvement of the security situation. In the previous sessions, the representative had indicated the threat of anti-Japanese boycotts and 'molestation' of Japanese nationals as reasons to maintain a military presence outside of the SMR railway zone. However, all Council members (except Japan) voted down the counter-proposal. The Japanese strategy of disregarding the majority view had backfired into a strong rejection of its proposal – placing the country in diplomatic isolation.⁵⁶⁵

The Geneva method of reaching agreement between the two parties had reached its limits for the time being. After the October session, the Kwantung army ignored the repeated calls for disengagement and withdrawal to the railway zone. A potential breakthrough was not being produced in the upper echelons of international politics; rather, it materialised because of the League's work on the ground. Frank Walters, personal secretary to Eric Drummond, was visiting China on official Secretariat business at the time of the diplomatic stalemate in Geneva. Although there to seek closer cooperation between the League and the Nanking Government on various technical subjects, the opportunity arose for Walters to reach out to the Japanese and find out the possible ways in which the League could broker an agreement. For instance, one suggestion saw Walters act as a League investigator in Manchuria. Although the Japanese rejected the idea, fearing anti-Japanese bias after his stay in China, the idea of a type of inquiry was planted. Subsequently, Walters travelled to Japan to, firstly, improve the League's standing with Japanese officials – after the defeat of the Council counter-proposal – and secondly, to push for this new initiative. In Walters' thinking, Japan could suggest the establishment of an inquiry commission – an idea likely to be accepted by China if the League would insist.⁵⁶⁶ Inquiry held the prospect that two sides might agree on a common position, to find impartial means to address the dispute.

⁵⁶⁵ *Report by the Secretary-General on the action taken by the League of Nations*, R1872, LONA, 6-12. *Discussion at the 65th Session of the League of Nations Council*, R1865, LONA.

⁵⁶⁶ Nish, *Japan's Struggle with Internationalism*, 47-51. Nish, "Germany, Japan and the Manchurian Crisis," 91-92. Curiously, Frank Walters did not refer to his own backroom diplomacy, and role as catalyst, in his later published history of the League. See: Walters, *A History of the League of Nations*, 472-474.

The next League Council session, in Paris from 16 November until 10 December 1932, would deliver on the initiative for an international inquiry – albeit only after lengthy discussions. In truth, the idea of a neutral party (to observe the withdrawal of troops, to assess the damages and to address the question of responsibility) had already been tabled by Chinese representative Sze on 23 October, but was given no attention in the subsequent discussion about the draft resolution.⁵⁶⁷ Walters' intervention in Japan in November seemingly ensured that the suggestion was brought up again on 21 November, this time by the Japanese representative: 'the Japanese Government considers that the essential condition of a fundamental solution of the question is a real knowledge of the situation as a whole, both in Manchuria and in China itself. It is for this reason that it proposes that the League of Nations should send a commission of inquiry to the spot.'⁵⁶⁸ The suggested commission would not be made up of neutral observers in the local area but instead, should comprise international and impartial individuals.

In the end, why did the Japanese Government instigate the proposed investigation – aware that it might expose the territorial ambitions of its imperial subjects in Manchuria? A likely explanation is found in the emphasis the Japanese representation placed on 'the complete chaos and incredible anarchy' in China.⁵⁶⁹ Japanese officials considered that an investigation into the origins of dispute, with on-the-ground visits to China, would expose the inadequate administration as well as acts of hostility and provocation by Chinese citizens. Thus, the Japanese narrative sought to display itself as the civilised side of the conflict: a benign force to ward off anarchy and having the capacity to bring stability and modernisation in Manchuria. Another possible consideration is that the establishment of an international inquiry (rather than the use of local observers) would take up several months' time and thereby relieve the Kwantung army from immediate pressure

⁵⁶⁷ Minutes of the Council Meeting, 23 October 1931. From: *Discussion at the 65th Session of the League of Nations Council*, R1865, LONA.

⁵⁶⁸ *Ibid.* Nish, *Japan's Struggle with Internationalism*, 51.

⁵⁶⁹ Minutes of the Council Meeting, 12 April 1932. From: *Discussion at the 66th Session of the League of Nations Council*, R1870, LONA.

to withdraw its troops. The Japanese representative had stressed that the commission's work would be separate from any (direct) negotiations between China and Japan.⁵⁷⁰

While the proposal to create a commission of inquiry was welcomed by many delegates at the Council meeting, it did not meet universal acclaim right away. Chinese representative Arthur Sze worried that the establishment of an investigation might distract attention away from the ongoing hostilities and Japanese troops in Manchuria. The original Chinese proposal had implied the use of neutral observers sourced in the region (from foreign embassies and consulates), which could have been set up rapidly. This Chinese anxiety was underscored by the British representative, Robert Cecil, who stressed that the safeguarding of peace should be the priority of the Council: 'it would be a complete failure (...) if, during the progress of the work of this commission, hostilities continued as they have unhappily continued during the past weeks.'⁵⁷¹ In his final remarks on 23 November, Council President Briand noted that a commission could both deliver 'valuable information' and 'tranquillise public opinion' during its work on the ground. However, many questions regarding the inquiry were still to be resolved, 'a whole series of problems' that would be discussed in the following weeks.⁵⁷²

One hurdle was the language of the proposal. A Chinese memorandum presented to President Briand, emphasised again the importance of ensuring that the inquiry was not an 'illusory' initiative. According to Chinese representative Sze, the League had already lost valuable time not embracing the idea of neutral observers on the ground in parallel to a prompt withdrawal of troops (with a fixed time limit). The memorandum affirmed the creation of a 'neutral' commission to supervise the evacuated territories, and the convocation of 'a conference of all interested parties' to settle all outstanding questions between China and Japan.⁵⁷³ In its wording, this was

⁵⁷⁰ In the Japanese rationale, these acts were done by Chinese 'bandits' (former soldiers). See: Saito, "A Japanese View of the Manchurian Situation," 159.

⁵⁷¹ Minutes of the Council Meeting, 21 November 1931. From: *Discussion at the 65th Session of the League of Nations Council*, R1865, LONA.

⁵⁷² *Ibid.*

⁵⁷³ *Observations from the Chinese representative on a proposal from 24 November relating to the appointment of a Commission of Inquiry*, 25 November 1931, A-31334-31349, R1865, LONA.

slightly but significantly different from the Japanese proposal, which had emphasised an inquiry commission, to investigate the dispute rather than observe the withdrawal (with no time limit attached), and suggested bilateral negotiations between the two countries.

Another hurdle was the position of the major powers in relation to the idea of an inquiry commission. European imperial powers were distracted by the economic depression and therefore happy to accept what was already on the table of the League's Council. A more forceful response against the Japanese occupation of Chinese territory was out of the question: economic sanctions would provoke a blowback on trade – a scenario no country was eager to face. Henig indicates that also the Soviet Union, as a non-member, would have been reluctant to support a stronger League initiative. Despite being 'fully alive to the threat of Japanese northwards expansion in Manchuria', the famines of the early 1930s made any initiative regarding the Sino-Japanese dispute beyond consideration.⁵⁷⁴

It is also worth recalling here the tangled position of the United States. Previously, US Secretary of State Henry Stimson had agreed to send an observer to the Council meetings of the League of Nations – in a sign of closer cooperation to tackle the Manchurian crisis. Secretary Stimson made this public move without clear backing from President Hoover, who feared upsetting the Japanese and thereby disturbing the situation in East Asia.⁵⁷⁵ The Secretary walked a tightrope between engagement and detachment – in a manner emblematic of the Republican administration's overall relationship with the League. American Consul Prentiss Gilbert, and later Ambassador Charles Dawes, were instructed to attend Council meetings but not to make any statements in sessions; their role was limited to private conversations with representatives of the other powers and the President of the Council. Moreover, in a statement to Dawes, Stimson made it clear that

⁵⁷⁴ Henig, *The League of Nations*, 142-144.

⁵⁷⁵ George C. Herring, *From Colony to Superpower: U.S. Foreign Relations since 1776* (Oxford: Oxford University Press, 2008), 489. For Henry Stimson's role played in the autumn of 1931, see: Michael E. Chapman, "Fidgeting Over Foreign Policy: Henry L. Stimson and the Shenyang Incident, 1931." *Diplomatic History* 37, no. 4 (September 1, 2013): 727-48.

the United States would be supportive of a settlement yet retain 'the full freedom of judgment as of its course.'⁵⁷⁶

The ambivalence in these signals has led scholars to draw distinct conclusions about Stimson's view on the merits of the League machinery. One author alleged that the Secretary of State 'vetoed' the idea of an inquiry commission, although it is more likely that, initially, Stimson thought it impossible for the Japanese to agree to such a measure.⁵⁷⁷ In fact, as the hostilities spread to the north of Manchuria, around Tsitsihar⁵⁷⁸, and the Japanese representative committed to the idea of an inquiry, Stimson became very 'hopeful' about the idea of a 'full investigation of everything on the part of China and Japan.'⁵⁷⁹ In late November, the United States concentrated their efforts on persuading the Chinese to accept the inquiry initiative under Article 11 of the Covenant. The US (and the European powers) wished to dissuade the Chinese from making an additional appeal to the League under the more forceful provisions of Article 15, which could provoke a discussion about economic sanctions.⁵⁸⁰ In the following weeks, the US Government would become preoccupied about the composition of the commission – and whether the presence of an American commissioner would be warranted.

By early December, Council President Briand had drafted with the help of a drafting committee a resolution for the inquiry – reflecting the views of the major powers – with the ambition to reconcile the different views of the involved parties. In the Council meeting of 9 December, Briand reaffirmed the resolution of 30 September that asked for the withdrawal of all Japanese troops to the railway zone but refrained from providing a timetable for its execution. Subsequently, the draft resolution called for the appointment of a five-member commission to study the situation

⁵⁷⁶ *The Far Eastern Crisis*, 1931, Volume 3, FRUS, 504-506.

⁵⁷⁷ Susan Bradshaw, "Frank Ross McCoy and the Lytton Commission." Doctoral Thesis, Georgetown University, 1974. However, there is no trace of such a veto in US diplomatic documents. Rather, Stimson saw Japanese acceptance of the inquiry idea as an important step forward in the reconciliation process. See: *The Far Eastern Crisis*, 1931, vol. 3, FRUS, 518.

⁵⁷⁸ Also known as Qiqihar (pinyin).

⁵⁷⁹ *The Far Eastern Crisis*, 1931, vol. 3, FRUS, 509.

⁵⁸⁰ *Ibid.*, 501, 508. Levi, *Modern China's Foreign Policy*, 202. Henry L. Stimson, *The Far Eastern Crisis: Recollections and Observations* (New York: Harper and Brothers, 1936), 189.

on the ground 'any circumstance' threatening the peace between China and Japan. The two countries could appoint an assessor to assist the commission, which effectively barred them from sending their own commissioner. In a detailed declaration that followed the reading of the resolution, President Briand indicated the 'purely advisory character of the commission': this explicitly ruled out the commissioners from negotiating a settlement, although they would be free to study any question relevant to the situation in Manchuria. In many ways, it was significant for the Council President to prescribe ad hoc terms of reference of the commission, rather than rely on any detailed blue-print prepared by the League Secretariat. The improvisations made by Briand may have been due to the absence of a clear precedent – although Briand had acted as Council President during a smaller Greco-Bulgarian dispute in 1925 – or the belief that Manchuria presented the League a crisis of a different magnitude.⁵⁸¹

While Briand's resolution and subsequent declaration offered a clear prescription for the character of the commission, it also left room for interpretation in other places. Neither the draft resolution nor Briand declaration specified the profile sought for the future commissioners. This gave him (in his function as Council President) plenty of discretion in the selection process. Interestingly, Briand also refrained from explicitly using the words 'neutral' and 'impartial' in the resolution, despite the weight given by other representatives to these words.⁵⁸² The draft resolution of 9 December was discussed on the following day, as Japanese representative Yoshizawa had requested a twenty-hour delay to consult his government on the provisions in the document. On 10 December, Yoshizawa opened the discussion and indicated the acceptance by his government of the proposal. Chinese representative Sze made several reservations and observations about the draft resolution; most notably, he made clear to the Council that China would expect first an inquiry and report into the withdrawal of Japanese forces. Despite the minor

⁵⁸¹ Minutes of the Council Meeting, 9 December 1931. From: *Discussion at the 65th Session of the League of Nations Council*, R1865, LONA.

⁵⁸² Curiously, the President did refer to an 'impartial spirit' but in the context of the information obtained from observers already on the ground; there was no mention of impartiality in reference to the inquiry commission. *Ibid.*

reservations made by the representatives, the draft resolution was adapted unanimously, clearing the path for the constitution of an inquiry commission.⁵⁸³

Since the context of the 10 December resolution touches both upon diplomacy as well as the nature of fact-finding, it deserves additional consideration. The Council's initiative under the leadership of Briand was in fact an effort to deal with two distinct problems simultaneously. First, the cessation of hostilities contained in the Council's (re)affirmation of the Japanese troop withdrawal. Second, the lack of reliable information: as Briand noted, 'sending of a commission of inquiry to the spot will enable the Council to continue its endeavours with a fuller knowledge of the facts (...) rendered particularly difficult by the inadequacy of our information as to what was taking place in these distance lands.'⁵⁸⁴ The focus on these two problems reveals the interaction between knowledge production and decision-making in Geneva. Although fact-finding was an important input for the Council's deliberation, it effectively curtailed the League's actions for the nearby future – as long as the commission did not report back. A hardly affordable delay, given the urgency of the situation on the ground.

The resolution did not explicitly call for an impartial body although it seemed implied in the Council discussion after the resolution's adoption. As the Spanish representative Salvador de Madariaga declared: 'A commission provides guarantees of knowledge and impartiality.'⁵⁸⁵ But how was this impartiality going to be reassured if the composition of the commission was yet to be decided? Clearly, it would be up to the chosen commissioners to live up to their role as impartial observers, rather than diplomatic representatives, but no guidelines were given to the selection of suitable candidates.

With regard to the overall task, the purely advisory character of the commission created clarity by separating the quest for knowledge from the search for political reconciliation. Yet, an

⁵⁸³ Minutes of the Council Meeting, 10 December 1931. From: *Discussion at the 65th Session of the League of Nations Council*, R1865, LONA.

⁵⁸⁴ *Ibid.*

⁵⁸⁵ *Ibid.*

independent investigation into all circumstances potentially led the commissioners to uncover compromising facts about one of the involved parties. Would the chosen procedure under Article 11 be sufficient, if the inquiry led to the discovery of breaches of international law? In the Council discussion of 10 December, British representative Robert Cecil underlined that the Council's role under Article 11 was one of mediation and persuasion, rather than arbitration and decision – and required unanimity of all parties.⁵⁸⁶ Most probably, the knowledge gained from the investigation would make a unanimous agreement hard to achieve.

The above considerations have led scholars to criticise the League's action in response to the steady aggravation of hostilities after the events at Mukden.⁵⁸⁷ Could the League have done more to achieve its ambitions of restoring the peace in East Asia? In theory, there was scope for a more decisive approach to the Manchurian crisis. In the preceding narrative, several alternative possible avenues of Council action have been glimpsed, for example the usage of a clear timetable for troop withdrawal (with no exceptions given to the Japanese and verified by neutral observers who could be sourced from foreign diplomatic representations in China). Another avenue was to empower the Chinese representation to appeal to the League's Council under Article 15 or 16 of the Covenant. However, Western imperial powers showed little appetite to push China towards a stronger course of action – one that could result in League sanctions against Japan.

When regarded through an imperial internationalist lens, the diplomatic situation after Japan's conquest of Manchuria, seemed unfavourable to the pursuit of a more decisive role by the League of Nations. The collective security system set up in the wake of the Paris Peace Conference was entirely dependent on the willpower of the League's strongest members to use their economic and military means to defend the territorial integrity and sovereign rights of its weakest members – when confronted with a rising imperial power. In a climate of deepening economic depression, no state was eager to take additional risks, especially ones that could hamper trade with East Asia.

⁵⁸⁶ Minutes of the Council Meeting, 10 December 1931. From: *Discussion at the 65th Session of the League of Nations Council*, R1865, LONA.

⁵⁸⁷ Housden, *The League of Nations*, 101-102. Levi, *Modern China's Foreign Policy*, 201-202. Nish, *Japan's Struggle with Internationalism*, 52-53. Northedge, *The League of Nations*, 145-147.

Even the League's small member states, keen to condemn the Japanese military occupation on Chinese territory, did not demur. Rather, they sided with the limited action taken under Article 11. In the words of Foreign Secretary John Simon, this was a 'very imperfect success' for the League.⁵⁸⁸ Inquiry meant the path of least resistance, a form of international action that relieved the major powers from harming their own interests in the immediate future. It appeared that truth seeking was the best possible interim measure.

The composition

The next hurdle after the adoption of the Council resolution of 10 December 1931 was the selection of the individuals to serve on the commission. The resolution left the main initiative in the hands of Council President Briand, although he could most likely count on the support of a drafting committee and Secretary-General Drummond. The archives of the League Secretariat have left no information about the initial steps of the selection process, suggesting that the decisions were made in private and left plenty of discretion to the Council President. It is only hinted that by late December, during the public announcement of the individuals of the commission, Briand had asked five governments (of the major European powers, Great Britain, France, Germany, and Italy; as well as the United States) to supply him with the name of a possible candidate. In one instance, there is indication that the Secretariat may have suggested two names to the US Government, but the overall tendency is that each government had the possibility to choose a suitable candidate. In the case of Germany, Briand was offered a choice between three possible candidates.⁵⁸⁹

In late December, the five appointed members of the inquiry were announced: Lord Victor Bulwer-Lytton (Great Britain), General Henri Edouard Claudel (France), Count Luigi Aldrovandi-

⁵⁸⁸ Cited in: Nish, *Japan's Struggle with Internationalism*, 52. Regarding the role of small member states, see: smaller member states, see: Minutes of the Council Meeting, 10 December 1931. From: *Discussion at the 65th Session of the League of Nations Council*, R1865, LONA. For the attitudes of major powers, see: Steiner, *The Lights That Failed*, 721.

⁵⁸⁹ *Appeal by the Chinese Government. Report of the Commission of Inquiry* (Geneva: League of Nations, 1932), 9. Bradshaw, "'Frank Ross McCoy and the Lytton Commission,'" 620. Nish, *Japan's Struggle with Internationalism*, 57. Nish, "Germany, Japan and the Manchurian Crisis," 94-95.

Marescotti (Italy), Major General Frank Ross McCoy (United States) and Doctor Heinrich Schnee (Germany).⁵⁹⁰ After securing the agreement of the Japanese and Chinese Governments, a Council communication on 14 January 1932 confirmed the five commissioners. There appears to have been no strong pressure exerted by the two countries to reject or change a candidate. The profiles and professional background of the chosen candidates present a better picture about what may have been the appointment strategy pursued by the Council President, the League Secretariat, and the respective governments. Lord Lytton had a wealth of experience in colonial administration: he was born in India and later became Governor of Bengal and (briefly) served as Viceroy of India. Additionally, he had represented Great Britain in League Assembly Committees and was known to be favourable to the organisation (due to his engagement with the League of Nations Union). General Claudel was a French army commander, who had served in West Africa and led the Colonial Army Corps. In the late 1920s, he had been part of a short mission to Indo-China and China – of all five he was most familiar with Manchuria.⁵⁹¹

Count Aldrovandi, a Doctor of Law, was the only full-time diplomat on the commission; he had been part of the Italian delegation to the Paris Peace Conference and had held consular positions in the United States and Latin America. Most recently, Aldrovandi was Ambassador in Berlin but had been forcibly recalled by Mussolini – after being held responsible for private documents going missing. Another military man, Major General Frank McCoy had been on active service in Mexico but most of his career was characterised by various roles as assistant to high-political offices (among others, aide-de-camp to US President Theodore Roosevelt and assistant to the Governor-General of the Philippines). McCoy served as an aid administrator to Japan after an earthquake in 1923 and had also been the President of the 1929 Neutral Commission appointed to reconcile Bolivia and Paraguay. Finally, Heinrich Schnee was another Doctor of Law but

⁵⁹⁰ In its original communication, the US appointment was Walter D. Hines, director of American communications in France during WW1, however, the name was quickly replaced by McCoy. *Sino-Japanese Dispute: Inquiry Commission: Services of General McCoy*, 1A-33027-34117, R1874, LONA.

⁵⁹¹ *Letter from Council President Aristide Briand to the Members of the Council on the appointment of the Commission of Inquiry*, 14 January 1932, 1A-33027-33867, R1874, LONA *Telegram from Joseph Avenol indicating Chinese and Japanese acceptance of the Commission of Inquiry*, 11 January 1932, 1A-33027-33867, R1874, LONA. Nish, *Japan's Struggle with Internationalism*, 57.

subsequently went for a career in colonial administration. Since the end of the First World War, he had served as a member of the Reichstag and worked as a lecturer in politics.⁵⁹²

What considerations were decisive in the selection of the five candidates? The choice to have big-country representation on the commission meant that nationality was perhaps a more important factor than technical expertise. However, Secretary-General Drummond thought there should be 'a lawyer, a soldier, an engineer and a merchant', a diverse array of professions which, indeed, would find some reflection in the final composition. Arguably, Drummond 'was trying to set precedents for the future in which international and professional criteria would supersede those of nation and race' although in practice this was never achieved during the lifespan of the League of Nations.⁵⁹³ Possible evidence that the professional background mattered, can be found in the correspondence between national governments and their citizens. A frequent practice was for individuals to recommend a person for possible inclusion in an inquiry. For example, Lady Astor wrote to the British Foreign Office, suggesting the inclusion of Dame Rachel Crowdy in the commission. In response, a staff member of the Foreign Office indicated that the government was hoping to appoint a lawyer – although that did not turn out to be completely true – 'and Dame Rachel Crowdy is therefore, I fear, excluded.'⁵⁹⁴

Each appointment came about in a slightly different manner. Some were the result of a personal recommendation, while others were the outcome of an administrative selection process. For instance, Foreign Secretary John Simon was warmly advised by the British representative to the League, Robert Cecil, to consider the candidacy of Lord Lytton. Moreover, it appeared that the

⁵⁹² *Letter from Council President Aristide Briand to the Members of the Council on the appointment of the Commission of Inquiry*, 14 January 1932, R1874, LONA. "Japan-China: Five Wise Westerners." *Time*, 10 October 1932. Andrew J. Bacevich *Diplomat in Khaki: Major General Frank Ross McCoy and American Foreign Policy, 1898-1949* (Kansas: University Press of Kansas, 1989).

⁵⁹³ Nish, "Germany, Japan and the Manchurian Crisis," 94.

⁵⁹⁴ *Letter from Nancy Astor to the British Foreign Office*, 15 December 1931, 1A-33027-33027, LONA. Dame Rachel Crowdy was head of the Social Section and had travelled to East-Asia in the past; although the chosen candidate was an experienced administrator, he did not fit the profile of 'a lawyer'. Also see chapter 3 on the Persia inquiry.

selection of Lytton also came about via the lobbying of his spouse, Pamela Chichele-Plowden.⁵⁹⁵ Commissioner Frank McCoy was a late addition to the commission and likely not to have been the US Government's first choice. Nevertheless, the appointment was made upon direct suggestion by Secretary of State Henry Stimson. Although McCoy was well known in Japan for his work with disaster relief after the 1923 earthquake, he was perceived as unbiased and met the approval of the Chinese Government.⁵⁹⁶ From a list of three German candidates, the Council (and its President) considered Dr Schnee to be the best candidate – not because of professional distinction but, chiefly, because he was not well-known and therefore acceptable to each side.⁵⁹⁷

The commission comprised white, male individuals aged between 55 and 60, with a professional background either in politics (administration), diplomacy or the military, often with work experience gained in colonial territories. Overall, the composition appears as diverse but somewhat inequitable if one takes Drummond's reflection as yardstick: there is neither an engineer (to examine the damage to the railroad and the cities) nor a merchant (in a better position to understand the impact of anti-Japanese boycotts). None of the commissioners had a deep understanding of the situation prevailing in Manchuria – which was perceived as a plus even though this meant a lack of knowledge about the region. While the relative seniority suggests these were men beyond the peak of their careers, many had close relations to higher echelons of power. The assignment requested a primary allegiance to the League of Nations, although in practice they could be perceived as representing the diplomatic interests of Western imperial powers in East Asia. No serious consideration was given to the representation of smaller countries on the commission or the inclusion of women. The commission was international in representation, but questions could be raised over the dominance of big powers (with commercial interests in East Asia). This was precisely a regret raised Polish representative

⁵⁹⁵ *Letter from John Simon to Lady Lytton*, 30 December 1931, Victor Bulwer-Lytton Manchurian/LN Files, Box LH27, Knebworth House Bulwer-Lytton Family Archives (hereafter KHBL). *Sino-Japanese Dispute: Inquiry Commission: Services of Lord Lytton*, 1A-33027-33639, R1875, LONA.

⁵⁹⁶ Stimson, *Far Eastern Crisis*, 81.

⁵⁹⁷ Another candidate had been former ambassador to Japan, hence he may have been perceived as too susceptible to Japanese lobbying (by the Chinese side). See: Nish, "Germany, Japan and the Manchurian Crisis," 95-96.

Franciszek Sokal to the Council President Briand, mid-January: the absence of other member states marked a missed opportunity to 'secure international co-operation on a broader basis'. The Polish delegate felt this 'should not become a precedent for the future', although it would continue in practice.⁵⁹⁸

The appointment of the five commissioners tells only part of the story. The resolution of 10 December also prescribed the appointment of two assessors, one for each side, to support the commission in its work (and supply any official documents requested). It was an unfamiliar⁵⁹⁹ move to bring Chinese and Japanese representatives into the commission, thereby creating a degree of legitimacy but at the same time restrict their role to one of observers. Since the resolution contained no details about the selection and role of the assessors, it was up to the League Secretariat to formulate ideas. Deputy Secretary-General Joseph Avenol, tasked to keep track of organisational matters concerning the inquiry, suggested to his superior, Eric Drummond, that it was evident that the two governments should designate their own assessors. Avenol believed that everything should be into place to closely associate them with the commission, acting as intermediaries to their respective governments.⁶⁰⁰

The assessors selected by Japan and China were familiar with the League of Nations. Yoshida Isaburo was a former ambassador and participant of the Paris Peace Conference, who had later attended two League Assembly meetings. On the Chinese side, Dr Wellington Koo was an experienced politician and diplomat, who served as adviser to Chang Hsueh-liang and knew the Manchurian situation well. Although Koo was not affiliated with the Nationalist Government in Nanking, he had been instrumental in the Chinese appeal to the League in September 1931. Both

⁵⁹⁸ *Communication of the Polish representative to the Members of the Council*, 14 January 1932, 1A-33027-33867, R1874, LONA.

⁵⁹⁹ But not entirely unprecedented, since the Mosul Frontier Commission appears to have used them. However, no reference is made here to any previous occasion.

⁶⁰⁰ *Note from Joseph Avenol to Eric Drummond*, 14 January 1932, 1A-33027-33867, R1874, LONA.

would accompany the commission on parts of their visits in East Asia, themselves also supported by a small secretariat.⁶⁰¹

One more major aspect in the set-up of the commission was the team of assistants and experts the five Council-appointees would have at their disposal. Several staff members of the League Secretariat were made available to assist the inquiry for specific tasks: Mr Hans-Ulrich von Kotze (International Bureaux) to act as treasurer and handle military questions, Mr Adrianus Pelt (Information Section) to address economic questions and organise relations with the press, Mr Vladimir Pastuhov (Political Section) for political questions and commission meetings, and Mr Ernesto Charrere (Information Section) for issues related to transport. Robert Haas (Head of the Communications Section) was designated by Drummond as Secretary-General of the commission and would closely cooperate with the commission's chairman. Since the League Secretariat was international in its outlook, the question of nationality was of minor importance – assistants were chosen for their expertise and availability. Also, upon request three commissioners were accompanied by a personal assistant: Mr William Astor for Lord Lytton, Major Pierre Jouvelet for General Claudel, and Lieutenant William Biddle for Frank McCoy. Although Joseph Avenol had suggested to Eric Drummond not to agree to private secretaries, 'to realise greater union and unanimity among the commissioners', the Secretariat compromised on the issue.⁶⁰²

During its assignment, the commission could make use of several experts to provide technical information or background knowledge about the region. Dr Kat Angelino, an expert on Chinese affairs, would join the commission from the Dutch Indies and prepare the draft material on the history of the dispute. Upon recommendation by Robert Haas, railway expert Colonel T. Hiam was brought in from the Canadian National Railways. Other experts helped with translation (G. Moss) or provided general advice on Chinese affairs (Professor George Blakeslee; Dr Carl Walter Young). Some of these experts, particularly Young, had written strongly-worded pieces about the

⁶⁰¹ Nish, *Japan's Struggle with Internationalism*, 58-59. *Appeal by the Chinese Government*, 6-12.

⁶⁰² *Note from Joseph Avenol to Eric Drummond*, R1874, LONA. *Overview of the Lytton Commission*, 1A-33027-33829, R1874, LONA. *The Far Eastern Crisis*, 1931, vol. 3, FRUS, 41-42, 52.

situation in Manchuria and were therefore viewed with scepticism by the Japanese. However, there is no indication of any expert being dropped from the team for personal views regarding the dispute.⁶⁰³

Overall, the inclusion of and reliance on experts suggests the League was aware of the knowledge gap of the commissioners. The team assembled around the five investigators brought in a wealth of knowledge and a spectrum of viewpoints. It also meant that the League chose to separate the roles of commissioner and expert, thereby drawing a line between the political and the epistemological role of the investigative body. On the one hand, this confirmed that commissioners had been selected with their national rather than professional background in mind, on the other hand, commissioners were expected to make major decisions on the basis of information provided by the team of experts. As such, they had to rely on their viewpoint and judgement: these 'knowledgeable men' were indispensable for the investigation on the ground, but also employed to draft large parts of the inquiry report and therefore able to structure, select and interpret the relevant facts. In the League's history, the Inquiry Commission for Manchuria is the only example to have relied to such a great extent on the provision of additional technical expertise, strengthening its fact-finding credentials.

The commission convened for the first time in Geneva on 21 January 1932. Secretary-General Eric Drummond met all the commissioners except for Frank McCoy (who was still in the US and therefore US Consul Prentiss Gilbert took his seat) to discuss the terms of reference and all matters of preparation before departure. The first agenda item was the designation of a chairman for the commission. General Claudel and Gilbert (instructed by McCoy) both spoke in favour of Lytton as designated chairman, given his long-standing 'contact with the League of Nations.'⁶⁰⁴ In fact, the issue of chairmanship appeared to have been settled already before the meeting.⁶⁰⁵ When

⁶⁰³ Nish, *Japan's Struggle with Internationalism*, 61-62. *Overview of the Lytton Commission*, R1874, LONA. Young, "Sino-Japanese Interests and Issues in Manchuria," 1-20.

⁶⁰⁴ Minutes of meeting, 21 January 1932. From: *Discussions at the 1st Session of the Lytton Commission*, January 1932, 1A-33027-34327, R1875, LONA.

⁶⁰⁵ As early as 23 December, *The Times* already indicated Lytton as likely chairman of the commission. From: "The League Commission." *The Times*, 23 December 1931.

Frank Walters wrote to Lord Lytton on 12 January, concerning a short meeting and the provision of documentary materials for the commissioners, the assumption was already made that the British representative would head the League delegation. In a letter from Joseph Avenol to Prentiss Gilbert, four days later, the Deputy Secretary-General denied the decision had already been taken yet framed it as a suggestion for consideration by the American commissioner.⁶⁰⁶ In sum, there was no trace of contestation in the designation of the chairmanship, a feat which would strengthen Lytton's authority during the assignment.

The remainder of the meeting dealt with questions regarding the task of the commission, the role of the assessors and whether private secretaries could be employed. Secretary-General stressed once again that the commission would not be qualified 'to intervene directly' in the dispute, thus could take no action regarding a cessation of hostilities.⁶⁰⁷ Another issue to be resolved was the related to the itinerary and the direction of travel. Lord Lytton suggested that a journey via the United States would offer benefits in comparison the Siberia-option: the entire commission could then meet beforehand and arrive at the same time in Tokyo. Additionally, travelling across the Eurasian landscape would make the issue of which country to visit a thorny one – the appearance of potential bias – while the journey via the Pacific Ocean would require a stop in Japan first. It is noteworthy to underline here how much consideration was given the commissioners to the public perception of the League inquiry – the close gaze of the international press would only increase these considerations in the following months.⁶⁰⁸

Overall, the commission was set to leave for its work on the Manchurian crisis with an adequate amount of preparation: The Secretariat had organised meetings with officials who had been

⁶⁰⁶ *Letter from Joseph Avenol to Prentiss Gilbert*, 16 January 1932, 1A-33027-34117, R1874, LONA *Letter from Frank Walters to Lord Lytton*, 12 January 1932, 1A-33027-33935, R1874, LONA. *The Far Eastern Crisis*, 1931, vol. 3, FRUS, 32-33.

⁶⁰⁷ Minutes of meeting, 21 January 1932. From: *Discussions at the 1st Session of the Lytton Commission*, January 1932, R1875, LONA. *The Far Eastern Crisis*, 1931, vol. 3, FRUS, 48.

⁶⁰⁸ This is palpable from correspondence with the International Association of Journalists accredited to the League of Nations, but also dealing with individual requests by journalists. Eric Drummond and Lord Lytton discussed matters of free access, censorship and safeguards through the League's Information Section. *Inquiry Commission: Facilities for the press to follow the work of the Commission*, 1A-33027-33380, R1874, LONA.

exposed to the region, supplied the investigators with relevant books and materials, and had worked out a detailed itinerary in advance. It is likely that some of the individual commissioners, especially those close to diplomatic and political circles, had been briefed by their respective foreign offices, yet there is no indication this was a standard practice.⁶⁰⁹ The Lytton Commission, as it came to be known, would have enough time at its disposal during the journey to the United States and then onwards to East Asia to acquaint itself with all matters of the case. Nevertheless, the commissioners would be unable to prepare themselves for the rapidly changing situation on the ground.

Kwantung troop advances had continued unabated since December, justified by the (new) Japanese Government as a response to 'the increased activity of marauding bands' and the security risk for Japanese nationals.⁶¹⁰ With the occupation of Harbin, Chinchow and threats to occupy other Chinese cities (such as Tsingtao⁶¹¹ and Shanghai), the atmosphere at Council meetings became increasingly tense.⁶¹² Preparations were made in Manchuria for the creation of a new state, which eventually was proclaimed on 18 February as the Manchu State (better known as Manchukuo).⁶¹³ Early in January, US Secretary of State Stimson had proclaimed the 'non-recognition' of territorial changes that were the result of military force – although in practice any semblance of Chinese administration in Manchuria already had been dismantled.⁶¹⁴ In the

⁶⁰⁹ The Japan Bureau of the League of Nations forwarded a list of books, related to the region, the commissioners could consult before their assignment. *Inquiry Commission: Documents distributed to the Members of the Commission*, 1A-33027-34180, R1867, LONA. McCoy was briefed in detail by the State Department but the private papers of Count Aldrovandi and Lord Lytton suggest few direct contacts with their respective foreign offices.

⁶¹⁰ *Report by the Secretary-General on the action taken by the League of Nations*, R1872, LONA. *Inquiry Commission: Information communicated by the Japanese Government*, 1A-31334-31367, R1867, LONA.

⁶¹¹ Also known as Qingdao (pinyin).

⁶¹² Minutes of Council Meetings, 25 January 1932. From: *Discussion at the 66th Session of the League of Nations Council*, R1870, LONA. The new Japanese cabinet (led by Inukai) was hoped to be more moderate and open towards China but faced pressure from the military establishment. In the end, it was unable to stop the Kwantung advances on the ground.

⁶¹³ David Wen-wei Chang, "The Western Powers and Japan's Aggression in China: The League of Nations and the Lytton Report." *American Journal of Chinese Studies* 10, no. 1 (2003): 43–63.

⁶¹⁴ Chapman, "Fidgeting Over Foreign Policy," 727–48. Steiner, *The Lights That Failed*, 727–729.

meantime, the Nanking Government fell twice in the same month, a further sign that the troubled Chinese Republic was struggling to maintain unity throughout the country.⁶¹⁵

The inquiry

A lengthy journey ensued from the Geneva meeting until the start of the Lytton Commission's activities in Tokyo, although this was due to the (maritime) means of transportation. The European commissioners departed from Le Havre and Plymouth on 3 February 1932 and arrived in New York on 9 February, where the American member joined them. The entire team (all staff included, apart from Robert Haas who was already in Shanghai) travelled across the United States, towards San Francisco, crossed the Pacific Ocean by boat, to arrive in Yokohama on 29 February. In this span of time, several developments occurred – some of which would have an impact on the itinerary and work of the commission. The situation in Shanghai had become the focal point of international attention, after the Chinese boycott of Japanese goods and stores had escalated into local skirmishes late January. Shanghai, an international trade city with large numbers of French, British, Italian, American and Japanese inhabitants (often labelled together as the 'International Settlement'), was of vital importance to commerce in the East Asia region. A local Japanese naval commander responded to the riots on the streets, deploying Japanese marines to take control of the situation. This forced the hand of the government in Tokyo to send additional military support. Rather than gaining control, the conflict increased in scale. In a subsequent act, the Japanese army undertook air bombardments on the Chapei district of Shanghai and Nanking, several days later. The major powers, worried about their special trade rights in Shanghai, expressed grave concern about the disproportionate Japanese response – justified by Tokyo as a measure of protection for the International Settlement. For a moment, it appeared a stronger international response could materialise – as Western commercial interests risked being affected by the situation.

⁶¹⁵ Lloyd E. Eastman, *The Nationalist Era in China, 1927-1949* (Cambridge: Cambridge University Press, 1991), 14-15.

The Chinese diplomatic response to the Japanese show of military muscle was fairly similar to its strategy pursued after Mukden. In late January, the Chinese Republic communicated to the League it would make an appeal under Articles 10 and 15. This new appeal confirmed that the territorial integrity of China was under threat and there was a severe risk of a rupture between the two countries. Two weeks later, on 12 February, the Chinese representative called for Sino-Japanese dispute to be moved onto the Assembly agenda – the logic behind this was straightforward: as the more representative body, though large and unwieldy, the Assembly could offer a stronger condemnation of Japanese military action, especially after the events in Shanghai. The Council President agreed with the transfer, noting that the ‘relative powerlessness’ of the League lay in its procedure (‘the slowness of which is due to the seriousness and conscientiousness it devotes to its task’) and the ‘recurring incidents’ on the ground – making it impossible for the Council to end the hostilities.⁶¹⁶ Although the Council was free to pursue negotiations between China and Japan, the creation of an inquiry had effectively halted any action taken on the issue of Manchuria. The Council waited for the Lytton Commission to report back to Geneva before it would consider any new resolution – the involvement of the Assembly did nothing to speed up the process.

The Shanghai incident sparked its own complex diplomatic game – further evidence of the intensive political contestation in the international realm over the East Asian crisis – but is not the central theme of this chapter. Yet, one development after the incident is of relevance to the League inquiry. The Chinese appeal under Article 15 in late January gave additional powers to the Secretary-General, to ‘make all necessary arrangements for a full investigation and consideration thereof.’⁶¹⁷ Eric Drummond took up this discretionary role to call upon the governments of Great Britain, France, Germany, Italy, and Spain, to constitute a consular committee in Shanghai made up of diplomatic representatives. Their task was to keep track of ‘those events, their causes and development’ in the city. In a note from 6 February, the Secretary-General clarified that the ‘emergency Committee’ was to chiefly collect information but its task would be ‘distinct’ from the

⁶¹⁶ *Discussion at the 66th Session of the League of Nations Council*, R1870, LONA.

⁶¹⁷ “The Covenant of the League of Nations,” Article 15.

Lytton Commission: 'It would not be expected to travel, nor does its creation in any way affect the mandate of the original Commission.'⁶¹⁸

The Shanghai Committee deliberations are not directly linked to the Lytton Commission – the final report only briefly referred to its work – but holds pertinence due to the procedure followed by Secretary-General Eric Drummond. The League initiative under Article 15 led to the set-up of an additional investigation, small in scope but rapidly deployed, which forwarded regular reports throughout February (while the Lytton Commission was travelling) to the Secretary-General and the League Council. This was an indication that the League machinery could speed up significantly, pushed forward by the major powers, in case the 'gravity of the situation' warranted it.⁶¹⁹ The Shanghai Committee was a local body to collect information and report on events, supported by a clear mandate and European consular staff. In contrast, the time-consuming constitution of the Lytton Commission and the inclusion of a team of experts precluded such a rapid response in the case of the Manchurian crisis. Could the overall Sino-Japanese dispute have been served better with a different type of inquiry – a priority given to speed rather than its diplomatic configuration? The League may have been able to temper Japanese military action in a more rapid manner, with consular help, although it disposed of few means to enforce an armistice on the ground (for which it was entirely dependent on the major European powers).

The Lytton Commission officially started its tasks when it arrived on 29 February in Yokohama and later that day in Tokyo. The commission's itinerary included daily conferences with members of the Japanese Government in the capital and additional visits to Kyoto and Osaka. In mid-March the commission left Japan for Shanghai, a visit which was moved forward in the schedule because of the recent hostilities. The inquiry team met with senior figures of the Chinese Government in

⁶¹⁸ Quotes from: *Shanghai Commission*, 6 February 1932, S50. The League Secretariat feared that the Commission would get too distracted by the events at Shanghai. At the time, Lytton was not aware to what extent the inquiry would have a function regarding the Shanghai situation. See: Note of 25 February 1932, from: *Lord Lytton's notes and letters sent home*, Victor Bulwer-Lytton Manchurian/LN Files, Box LH27, KHL.

⁶¹⁹ Quote from: *Shanghai Commission*, S50. The League's Information Section also had a presence on the ground, already during previous incidents, see: *Confidential report by Mr Furukaki with regard to Shantung*, 11 May 1928, 1A-1915-4337, R1835, LONA.

Nanking in late March, subsequently travelled to Peking and spent the most of April and early May working in Manchuria. In late April, the Lytton Commission forwarded a preliminary report to the Council, which gave an overview of its activities and information provided by the Chinese and Japanese but did not yet include preliminary conclusions. In the next weeks, the commission also held meetings with officials of the Kwantung Army and representatives of the new state of Manchukuo. Early in June, the commission travelled back to Peking to start on the preparations of the report but returned once more to Japan in late June when a new government was brought into power. The commissioners wished to learn ‘the present views and policy’ of the new Japanese cabinet before its final labours on the inquiry report. The team spent the summer months compiling and examining the evidence, writing the various chapters, which led to the definitive version signed by all commissioners on 4 September in Peking.⁶²⁰

The following section touches upon the technical aspects of the inquiry, obstacles faced by the commissioners, and its overall progress on the assignment. This is to give an indication how the members of the commission worked on the round, given the constraints imposed by the imperial internationalist context. The Lytton Commission has often been mentioned in the framework of the Sino-Japanese dispute of the 1930s, however, its knowledge production work has generally been relegated to a brief paragraph or footnote in comprehensive studies of the period.⁶²¹

A first focal point concerns all technical aspects of the inquiry, how the investigation was envisioned and put into practice by the Lytton Commission. Lytton’s personal memorandum from 5 February, presented during his travel to New York, presents some clues regarding the commission’s overall thinking about its assignment. For instance, Lytton notes that ‘we are all agreed that our object is not so much to arbitrate between China and Japan on the subject of

⁶²⁰ *Appeal by the Chinese Government*, 10-12. The full itinerary of the Lytton Commission can be found in the appendix of the report. *Preliminary Report of the Commission of Inquiry*, 2 May 1932, 1A-33027-36766, R1875, LONA.

⁶²¹ For general scholarship, see Steiner’s *The Lights That Failed* and Mazower’s *Dark Continent*. Ian Nish’ study *Japan’s Struggle with Internationalism* offers detailed insight in the diplomatic wrangling between China, Japan, and the League of Nations, with the Lytton Commission at its centre, but doesn’t consider the role of fact-finding in inter-war international politics.

Manchuria, and to assess their respective responsibility for the events of last September, as to try and effect, if possible, a durable settlement between these two countries'.⁶²² The commission refused the role of a court, as was evident in Lytton's first declarations to Japanese officials ('we had not come as judges') and later during his meetings in China ('the League would endeavour to do justice, but reminded them that justice and judgment were not the same thing').⁶²³ Yet, the Lytton memorandum did slightly tread upon the path of reconciliation – even though the Council President had excluded this task from the terms of reference. After 11 March, when a Special Assembly had taken up the task of leading the negotiations in search for resolution of the dispute (as well as an end to the hostilities in Shanghai), the commission would continue to show concern over the prospect of reconciliation and occasionally transgress into a role of mediator in search of a durable peace.⁶²⁴

The Lytton Commission had no prescribed list of techniques at its disposal to be deployed in the inquiry. Both the personal and official League documents make no explicit reference to any precedents of League inquiries the commission could follow in Manchuria.⁶²⁵ Similar to other inquiries, the Lytton Commission relied on interviews with officials and representatives of civil society (businesses, organisations, and private individuals) to establish a chronology of events, including the Japanese and Chinese narratives, with all their inconsistencies, and to understand what each side was hoping to achieve as a suitable outcome to the dispute. Generally, all commissioners attended the interviews, with Lytton asking the bulk of the questions and other members (such as Dr Schnee and General Claudel) limiting themselves to a few clarifications. The interviews were conducted either in English or with the help of a translator. Although the commissioners felt free to pursue their own line of questioning, it occasionally used questionnaires prepared and submitted in advance (to the interviewee) to structure an interview.

⁶²² *Memorandum by Lord Lytton*, 5 February 1932, S49, LONA.

⁶²³ Diary entries for 29 February and 17 March 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Victor Bulwer-Lytton Manchurian/LN Files, Box LH27, KHBL.

⁶²⁴ *Memorandum by Mr Haas*, 19 March 1932, S49, LONA. This memorandum explains the legal developments of the previous months, including the transfer of the issue to the Assembly.

⁶²⁵ The final report did not contain a detailed methodological explainer, although it made mention of a 'conception' of the mission, and a 'programme of work'. From: *Appeal by the Chinese Government*, 12.

On one occasion, the commission also allowed a small team of staff members and experts to question an interviewee.⁶²⁶

Foreign observers were a major source of information, as the Lytton Commission relied on Western journalists and consular staff with local knowledge to triangulate information. For instance, on 17 May Lord Lytton met with a journalist from the *Journal de Genève*, who provided him with an insight in the Japanese army's recent movements and strategies deployed in dealing with Chinese rebellions. Lytton chairman attached importance to 'the help of neutral observers, in order to establish the truth', as he felt that both the Chinese and Japanese side provided a lot of incorrect information.⁶²⁷ Another note, from a member of the commission's staff, stressed how the European and American press representatives were vital 'with their knowledge of local affairs'; notwithstanding a few exceptions, these were considered to be 'objective' from the League's point of view.⁶²⁸ The reliance on foreign observers accentuated the Western frame of analysis, one that did not question certain rights of major powers in China and noted the lack of modern conditions in the country, yet, it also helped to triangulate information and rule out inconsistencies in information.⁶²⁹ In one example, Lytton professed doubt over the narrative given by the Japanese over the events at Shanghai – they alleged an attack by Chinese soldiers in plain clothes – stating that 'their explanation does not fit with other accounts which have been given [to] me by eyewitnesses'.⁶³⁰ Also the report presented different narratives, based on each side's version of an event (such as the Mukden incident) before stating its conclusions based on the collected information.⁶³¹

⁶²⁶ Diary entries for 2, 18 and 25 March, as well as 18 May 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHBL. The Section Files of the League Secretariat contain all the transcripts of interviews conducted by the commission, and highlights some of the practices pursued on the ground. Nish notes that the commissioners relied heavily on their additional staff in the latter parts of the assignment, to lighten the burden, see: Nish, *Japan's Struggle with Internationalism*, 127.

⁶²⁷ Quote from diary entry for 17 May 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHBL; *Appeal by the Chinese Government*, 96.

⁶²⁸ *Letter from Mr Pelt to Mr Comert (Information Section)*, 14 April 1932, S50, LONA.

⁶²⁹ *Appeal by the Chinese Government*, 14.

⁶³⁰ Diary entry for 18 March 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHBL. Briefly after his arrival, Lytton showed a lack of appreciation for the Japanese, their lack of truthfulness statements and their imitation of a 'Western style'. Diary entries 1 and 3 March 1932, from: *Ibid.*

⁶³¹ *Appeal by the Chinese Government*, 67-70.

Overall, the Lytton Commission gathered and analysed a wealth of documentation in preparation for its study. The scale of the undertaking is most pronounced when it pertains to the correspondence of private individuals and organisations (mostly from China), close to two thousand letters, telegrams, and petitions, which were translated and analysed by a team under the supervision of G. Moss. The intention was to understand the attitudes of the Chinese people towards their government and the League. One report 'verified intelligence concerning the action of Japan in Manchuria' while another explained in detail how the team had created a sample and applied measures to avoid bias in the conclusions.⁶³² For the Lytton Commission, the translated correspondence gauged public opinion – perhaps more than a source of information or truth – and concluded there was a widespread Chinese condemnation of Japanese actions in Manchuria and little support for the creation of the new state of Manchukuo.

A second focal point addresses the obstacles the Lytton Commission faced, ranging from internal factors (between the commissioners) to the environment in which it operated. From the outset, there is no major clash of views or struggle for supremacy that appears from the source material. Lord Lytton was unanimously chosen to lead the inquiry and there is no trace of a strong opposition to his leadership. Available personal recollections paint a pleasant atmosphere in the early days of the inquiry. Travelling to Japan, chairman Lytton noted 'We have got to know each other quite intimately on this ship and I like them all.' With limited means to measure the strength of the relationships between commissioners, however, the mention of conversations and dinners sheds some light on personal ties. Lord Lytton spoke highly of General McCoy, a tactful and experienced American 'most useful to me', while he also made regular mention of Aldrovandi and Schnee as interlocutors. General Claudel arguably kept more distance towards from other commissioners, although there are no signs of discontent. Rather, as Dr Schnee noted, General Claudel's lack of proficiency in English (the *lingua franca* within the team) made informal

⁶³² *Report of analysis of 350 letters or telegrams addressed to the Inquiry Commission for the period until 19 July 1932*, S38, LONA. *Report concerning 1550 letters and petitions addressed to the Inquiry Commission*, 19 June 1932, S40, LONA.

meetings feel cumbersome – thus, he often kept to his himself together with his private assistant.⁶³³

For the time being, the main challenges posed to the commission's work in East Asia were of an external nature. One of those were the attempts at intimidation by the Japanese, especially when it came to the Chinese assessor (Dr Wellington Koo) who accompanied the commission during its travel in mainland China and Manchuria. Although the League had called upon both countries to do everything possible to facilitate the work of the commission, the Japanese police kept strict surveillance of the Chinese assessor while in Manchuria.⁶³⁴ Chinese attempts to influence the commission were less obvious, although newspapermen were keen to extract personal views of the commissioners.⁶³⁵ Although the commissioners were conscious of maintaining a level of secrecy when it pertained to the investigation, they maintained good relations with the press – given the international public interest. A staff member of commission observed that Lytton always took journalists 'extremely seriously', maintaining a close relationship without giving away too much.⁶³⁶

Other impediments were smaller in nature, but equally had an influence on the daily work of the Lytton Commission. One such example was the vast amounts of information made available by the disputing countries. Both the Chinese and Japanese side rarely made a distinction between

⁶³³ Quotes from notes for 13 and 25 February 1932, from: *Lord Lytton's notes and letters sent home*, Box LH27, KHBL. Heinrich Schnee, *Völker Und Mächte Im Fernen Osten. Eindrücke von Der Reise Mit Der Mandschurei-Kommission* (Berlin: Deutsche Buchgemeinschaft, 1933), 11-13. Count Aldrovandi left no personal recollections regarding the other commissioners in his diplomatic papers.

⁶³⁴ In his diary, Lytton referred in several instances to the difficult conditions for Dr Koo but also the general atmosphere towards the Commission ('the Japs are very suspicious (...) we are treated practically as prisoners (...) The behaviour of the Japanese military here is really absolutely incredible. I shall be glad to get out of [Manchuria].'); diary entry for 28 April 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHBL. This was confirmed by Dr Schnee, who felt the Japanese presence 'at every turn' when visiting Mukden; Schnee, *Völker Und Mächte Im Fernen Osten*, 95. *Appeal to the Council by the Government of China 21 September 1931 and further information communicated by the Chinese government*, 1A-31334-31334, R1862, LONA.

⁶³⁵ Lord Lytton, often serving as spokesman to the local and international media, stressed that the Commission 'cannot express an opinion on these points (...) until they have presented to the Council of the League their report.' See: *Record of interview with leading newspapermen*, 1 April 1932, S30, LONA.

⁶³⁶ *Letter from Mr Pelt to Mr Comert (Information Section)*, 14 April 1932, S50, LONA. The Lytton diary avoids talking directly about the contents of the inquiry, although Lord Lytton was more outspoken in his letters sent home.

information and propaganda, a blurring of lines which did not aid the commission in its compilation and analysis of the evidence. Notably, the Japanese assessor Mr Yoshida provided the commissioners with documents that claimed the study of anti-Japanese sentiment in Chinese schools and the prevalence of piracy in China. For Lytton, much of this was 'wholly false' although he observed that both sides were well versed in lies.⁶³⁷ Communications from the Chinese representation were slightly different in character, in the sense that the innumerable reports and memoranda created a sense of information overload – rather than provide a concise overview of happenings. In sum, the extensive League files in Geneva suggest the Lytton Commission had to work itself through a wide range of documentation – a time-consuming affair.⁶³⁸

In addition, the regular travel from February to September put heavy physical strain on the commissioners. Diary entries often reveal the long distances covered by the commission, a schedule packed with formal meetings, and some frustration with the weather and the effects of the environment.⁶³⁹ Similarly, illness could not be avoided. In Lord Lytton's diary, there is a gap during the summer months when he stayed due to a fever in a German hospital in Peking for several weeks – while Count Aldrovandi temporarily took over the function of chairman. Later reports have claimed that Lytton was the victim of a Japanese 'cholera plot', however, this has been disputed for lack of evidence.⁶⁴⁰ One final impediment that has been alluded to before, is the rapidity of developments on the ground – upon which the Lytton Commission had little or no influence. Without a strong international response, the presence of a League inquiry did nothing

⁶³⁷ Letter from Lord Lytton to his wife, 24 March 1932, from: *Lord Lytton's notes and letters sent home*, Box LH27, KHL. Diary entry for 24 March 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHL. *Section files containing Japanese propaganda*, S33, LONA.

⁶³⁸ The Chinese communications to the League and Lytton Commission comprises several boxes (R1862-64). See: *Appeal to the Council by the Government of China 21 September 1931 and further information communicated by the Chinese government*, R1862, LONA.

⁶³⁹ Diary entry for 10 May 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHL. Schnee's monograph (*Völker und Mächte im Fernen Osten*) is a detailed account of all the travel, visits and meetings. Despite the loaded agenda, there is also evidence of sports, games played and excursions (for touristic purposes).

⁶⁴⁰ "Japanese Prince tells of 'horrible' war crimes." *The Daily Telegraph*, 7 July 1994. A response from Knebworth House to the newspaper article raises questions about the story's veracity. There is evidence that Dr Schnee suffered from a cholera attack (which he narrowly survived), although it is impossible to draw conclusions as to the source of the infection. *Documents regarding the alleged 'cholera plot'*, KHL.

to inhibit continued Japanese presence in Manchuria, nor the establishment of the new state of Manchukuo. In this sense, the commission did not play a significant role in moderating the behaviour of the belligerents. Rather, it was forced to consider the changes in territorial sovereignty and overall power relations in East Asia – as a return to the status quo ex ante became a virtual impossibility.⁶⁴¹

The third focal point addresses how the Lytton Commission overall progressed during its travels in East Asia and contextualises the conclusion of the assignment – just before writing the final report. The source material suggests that the team formed its views after initial visits to Tokyo and Nanking: at the outset, the commissioners were somewhat persuaded by the Japanese arguments that self-defence and security measures were required to protect Japanese rights in China, however, the talks with Chinese representative and exposure with the local conditions in the occupied region of Manchuria had led to a shift away from the initial view.⁶⁴² Additionally, there was growing scepticism about the insincerity of Japanese accounts of events as well as confusion about the ultimate imperial aims in Manchuria – although the commissioners continued to see all parties in the conflict without taking a public position yet. Overall, the Lytton Commission showed growing concern about any practical solution that might arrive from its work, even though they were regularly warned by foreign consular staff about the risk of overreach with their efforts. The commission was instructed to collect facts, for some diplomatic observers this meant providing the raw material but leave it to public opinion to draw conclusions. The inquiry, however, would be instrumental to framing the information gathered on the ground and what view it chose to highlight in the conclusions. In May, after a couple of months of work, the commission's chairman remarked that 'the composition of the picture [was]

⁶⁴¹ This was an obvious problem, as the Covenant precluded any territorial changes. Yet, it seemed Japan was not willing to settle for anything less than that (and would not be satisfied with a simple return to the status quo ex ante, when it had special rights), see Nish, *Japan's Struggle with Internationalism*, 108.

⁶⁴² Nish, *Japan's Struggle with Internationalism*, 142-143

already complete', regarding the essential facts; there was also no sign of disagreement over the major points concerning the Mukden incident and the creation of Manchukuo.⁶⁴³

When did the Lytton Commission determine its investigation should end? There were several factors that contributed to the decision, in early July 1932, to retreat with the entire commission to a suitable location (Peking) where they could work on the report. In Geneva, it was always anticipated that the Lytton Commission should finalise its work and present the report before the summer. This, however, had proven difficult to achieve after the initial visits to the major cities of China and Japan, with an extensive tour in Manchuria. Both the Secretariat (for financial reasons) and the Special Assembly (concerned by time) had pressured the commission to prepare its final report by mid-September.⁶⁴⁴

The delays of the inquiry were partly caused by factors the Lytton Commission had no control over, such as the assault on Japanese Minister Inukai and the instalment of a new cabinet. From the viewpoint of the commission, the change of administration meant that it would be necessary to ascertain whether any change of viewpoint on Manchukuo could occur in the coming months. Therefore, the commissioners made a final visit to Tokyo to speak to the new Prime Minister (Admiral Saito), Foreign Minister (Count Uchida) and War Minister (General Araki) – some of whom they had spoken to before.⁶⁴⁵ The Lytton Commission remained hopeful there was scope for reconciliation and wished to see whether the Japanese cabinet was open to a compromise solution. Nevertheless, Count Uchida made it clear that the government had made up its mind about the recognition of Manchukuo – which would formally take place in September 1932 – and

⁶⁴³ Diary entry for 24 March 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHL. Nish, *Japan's Struggle with Internationalism*, 136, 143. This is also visible in the last interviews, conducted in July 1932, which are of a less factual nature and more about an attempt to find a compromise with Japan, see: *Record of interviews with Count Uchida, General Araki and Mr Yoshizawa*, S32, LONA.

⁶⁴⁴ *Expenses of the Inquiry Commission*, 1A-33027-33829, R1874, LONA. *Note on the convocation of a Special Assembly Session*, 2 October 1932, 1A-31334-39362, R1873, LONA.

⁶⁴⁵ For example, the commissioners had had private meetings with Count Uchida in May 1932 – when the latter was still serving as president of the South Manchurian Railway.

was 'not prepared to consider any alternatives.' For Lytton, this was the watershed moment that marked the end of the commission's work in Japan.⁶⁴⁶

The report

The drafting of the final report commenced around the middle of June 1932, several weeks before the final talks in Japan. For this assignment, Lord Lytton had put together a Drafting Committee, comprising himself, Professor Blakeslee and Robert Haas. The three men compiled several notes and suggestions into one draft, which were then discussed within the commission in the following weeks. The outline that was completed by the middle of June, contained an outline for all chapters except for a final one – a chapter on recommendations. Lytton 'decided that it would be wiser for us to go to Japan with our minds quite open on the subject of recommendations', only writing a memorandum on a 'suggested line of approach with the Japanese.'⁶⁴⁷ At this point of the inquiry, Lytton (in his capacity as chairman) kept the report-writing separate from the commission's decisions-making process regarding the major issues of the dispute. As private documents of several commissioners reveal, there was a strong reliance on the experts to prepare the chapters of the report – the task was effectively outsourced while the commissioners retained the ability to make final changes. Moreover, Lytton's diary suggests regular consultation with his team of experts on a range of technical and legal issues – a further sign perhaps that the commission lacked the necessary background knowledge to do the bulk of the writing.⁶⁴⁸

Therefore, the minutes of the Lytton Commission for the second half of June 1932 contain few traces of substantive discussion about the contents of the draft chapters. In a meeting on 23 June, the chairman explained that the draft report 'was merely intended as a framework' and no final decisions had yet been taken. Moreover, 'the experts' would provide detailed drafts to help the commission with its deliberation over the next months. Generally, the minutes demonstrate that

⁶⁴⁶ Diary entry for 12 July 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHBL. *Record of interviews with Count Uchida, General Araki and Mr Yoshizawa*, S32, LONA.

⁶⁴⁷ Quotes from diary entry of 18 June 1932, from: *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHBL.

⁶⁴⁸ *Lord Lytton's diary of the Manchurian inquiry*, Box LH27, KHBL. Also see: *Minutes of Meetings of the Inquiry Commission*, S50, LONA.

the meetings took the character of a technical discussion rather than exchange of big visions regarding the dispute, with the commission reading and commenting on the work of the draft committee. Likewise, Lord Lytton's diary shows no indication of any disagreement, although other sources spoke of frictions regarding matters of work and conclusions.

Ian Nish, relying on sources close to Major General Frank Ross McCoy, stressed in his work that other commissioners may have been displeased with Lytton's micro-management over the draft report (using the smaller Drafting Committee), especially when he was bedridden in Peking.⁶⁴⁹ A main point of contention was the disparate views on how to treat Japan in the report. Lord Lytton was in favour of a strong condemnation of Japan – especially after the recognition of Manchukuo – while General Claudel appeared to accept the Japanese occupation as a necessary condition for a settlement.⁶⁵⁰ A former aide-de-camp of Major General McCoy described how the American commissioner served as a mediator between his British and French colleagues, possibly avoiding a minority report written by Lord Lytton.⁶⁵¹ Possibly, McCoy was crucial in preparing a statement on Manchukuo that was acceptable to all commissioners, although there is no evidence in the private papers of other commissioners to confirm his mediating role.

All the commissioners of inquiry signed the final report on 4 September, thereby agreeing on the wording chosen with regard to the Manchurian crisis. The report was an elaborate piece of work: it covered not just the events at Mukden and the hostilities during the subsequent months, but also the history of Manchuria, the Japanese presence in the region and to some degree also the triangular relations between China, Japan, and Russia.⁶⁵² As previously mentioned, the commission did not see itself as having a prosecutorial role and expressed no desire to make judgements. Although traces of this attitude are visible in the report, the commissioners nonetheless decided to establish what they considered 'the truth regarding past events in

⁶⁴⁹ Nish, *Japan's Struggle with Internationalism*, 163-164.

⁶⁵⁰ *Minutes of Meetings of the Inquiry Commission*, S50, LONA.

⁶⁵¹ Bradshaw, "'Frank Ross McCoy and the Lytton Commission,'" 13.

⁶⁵² Interestingly, the importance of the Soviet Union has been overshadowed in the recent historiography, even though it was considered as an essential factor to understand the Manchurian crisis at the time.

Manchuria and to state it frankly.’⁶⁵³ In other words, the Lytton Commission felt confident enough to express in its report that the Japanese measures in response to the Mukden incident ‘cannot be regarded as measures of legitimate self-defence’ and the state of Manchukuo could not have been formed without ‘the presence of Japanese troops and the activities of Japanese officials’.⁶⁵⁴

However, the commission was also at pains to point out the deficiencies in the Chinese administration, its lack of modernisation and effective state institutions, and assigned some responsibility to the Chinese Government for the damage done to Japan through economic boycotts. Despite a degree of balance in the report, the questioning of Japanese plans and actions in Manchuria was by far the most significant opinion expressed – although it fell short of attributing fully-fledged guilt. To question most of the Japanese narrative of events, the commission cloaked the report in a scientific language that made regular reference to ‘the evidence received from all sources’, ‘neutral observation’, which further demonstrated the inquiry’s ‘thorough consideration’ and ‘mature study’ of the subject.⁶⁵⁵

It is noteworthy how the Lytton Commission communicated the conclusions of its inquiry to the League of Nations and the public. First, it put the emphasis on the collective work of the Lytton Commission (‘our own study’, ‘our work’, ‘our own convictions’), thereby removing any trace of disagreement which may have arisen in the previous weeks. This was arguably done on the initiative of Lytton, who was always keen to stress the notion of ‘we’ and the collective work of the team in his notes – even though some commissioners may have played a more limited role.⁶⁵⁶ Second, rather than keep its entire assessment for a final chapter, the commissioners decided to deal with the most sensitive topics within their separate chapters. In a final chapter, the commission only set out a list of recommendations and solutions which the Council and/or the

⁶⁵³ *Appeal by the Chinese Government*, 127.

⁶⁵⁴ *Ibid.*, 71.

⁶⁵⁵ Quotes from: *Appeal by the Chinese Government*, 8-9, 70, 97.

⁶⁵⁶ *Appeal by the Chinese Government*, 138-139. Count Aldrovandi briefly acted as interim-chairman when Lytton was bedridden, however, his private papers contain few substantial notes regarding the inquiry. *Notes regarding draft of the inquiry report*, 5 August 1932, Busta 19, ASD. Nish suggests Schnee had modest, but significant function’ for the inquiry. Nish, “Germany, Japan and the Manchurian Crisis,” 103.

Assembly could take into consideration. While the commissioners were conscientious it was not their primary function to do this, they tried 'to provide sufficient material to enable the League of Nations to settle the dispute consistently with the honour, dignity and national interest of both the contending parties', in reference to a future reconciliation process.⁶⁵⁷

In Lytton's writings, it is evident that in his view the purpose was not simply to criticise each country for its deeds, nor make any deliberate judgement (unless necessary 'to the establishment of the truth'), but to recommend a procedure in which the interests of both countries could be secured, as well as the restoration of peace:

'I suggested that when dealing with certain facts we should give our opinion of them in the chapters where the facts were recorded, and that when we came to the end – the only pages which some people would read – our last chapters should deal only with the future, and contain not criticisms and judgments, but only suggestions of what we thought possible for the restoration and maintenance of peace.'⁶⁵⁸

Lord Lytton showed acute awareness of the risks that came with leaving the most sensitive matters until a final chapter – as commentators would seize upon the most contentious points to condemn either country for its deeds. The commission's departure from this usual format could be perceived as a softening of its stance on the dispute or as carefully thought-out decision to retain the nuance of the entire report. As the report pointed out, the issues were 'exceedingly complicated, and only an intimate knowledge of all the facts, as well as of their historical background, should entitle anyone to express a definite opinion upon them.'⁶⁵⁹ It was precisely the complexity of the situation, no simple case of territorial violation but an impenetrable web of imperial interests and sovereign rights, that laid bare the limits of the League and its Covenant in dealing with an unprecedented dispute.

⁶⁵⁷ *Appeal by the Chinese Government*, 127.

⁶⁵⁸ Quote from: *The Problem of Manchuria: speech by Lord Lytton*, Victor Bulwer-Lytton Manchurian/LN Files, Bag K2-6, KHBL.

⁶⁵⁹ *Appeal by the Chinese Government*, 126

The question of whether the Lytton Commission compromised its stance in light of its (minor) internal differences is one that preoccupied contemporary observers and scholars for many decades. According to Basset, in early press coverage the report received 'diverse and fluctuating interpretations', as journalists were selective in the observations they picked and retained for their verdict.⁶⁶⁰ His analysis of British newspapers showed a strong condemnation of Japan in the popular press, while the quality newspapers painted a more nuanced picture, praising the commission's unbiased and impartial tone. Although some observers questioned the report's gentle stance on the case of Japanese aggression, most tended to focus on the recommendations that were included in the final chapter. In contrast, the scholarship of international history has generally focused on the commission's findings rather than its proposed solutions – arguably with the advantage of hindsight. Although one contemporary scholar noted that the findings were lost in a 'mass of detail', recent views have chiefly stressed its merits.⁶⁶¹ Whereas Northedge labelled it as an 'academic exercise' (in the pejorative sense), both Ian Nish and Zara Steiner have underlined how the report was a matter of compromise, to enable the League still to negotiate a solution between the countries.⁶⁶²

In general, few scholars have considered the report through a civilisational lens, despite the frequent references to development and modernisation. For instance, the report welcomed foreign influence in China as a means to create 'more modern conditions'.⁶⁶³ China was encouraged to keep its territory open to trade with the civilised states of the West – in the form of international settlements. The first chapter detailed the 'lawless conditions', due to rebellions and banditry, that had encouraged Japan to take additional security measures in the run-up to the Mukden incident.⁶⁶⁴ Therefore, the extensive privileges of foreign powers (including but not

⁶⁶⁰ R. Basset, *Democracy and Foreign Policy: A Case History: The Sino-Japanese Dispute, 1931-33* (London: Routledge, 2011), 254-259.

⁶⁶¹ Quote from: Arthur K. Kuhn, "The Lytton Report on the Manchurian Crisis." *The American Journal of International Law* 27, no. 1 (1933): 98. Burkman, *Japan and the League of Nations*, 170.

⁶⁶² Northedge, *The League of Nations*, 150. Nish, "Germany, Japan and the Manchurian Crisis," 103. Steiner, *The Lights That Failed*, 740-1.

⁶⁶³ *Appeal by the Chinese Government*, 13-14, 18-19.

⁶⁶⁴ *Ibid.*, 23.

limited to Japan) were rarely if ever questioned, even though they ran counter to the ideal of national self-determination and territorial integrity professed after the First World War. However, as the Sino-Japanese dispute demonstrates, this weakened the territorial sovereignty of independent states against the expansionist ambitions of imperial powers.

Aftermath

All commissioners returned home shortly after the Lytton report was signed. One copy of the report was delivered by the French and German commissioners to the League Secretariat by the end of September, whereas other copies had been left behind in China and Japan to be made available to the countries' representatives once the League had arranged the report's publication. The diffusion of the printed reports on the first day of October marked the beginning of a painstakingly long process, which included the study of the report by all League members, and extensive discussion in the Council (November), the Committee of Nineteen (December) and the Special Assembly (December-February). This section focuses on the impact of the inquiry: it depicts the unfavourable diplomatic environment for international action, following the report, which permitted Japan to hold on to its territorial gains.⁶⁶⁵

Almost one and a half months elapsed before the League's Council started its consideration of the Lytton report. This was the consequence of a Japanese request to postpone an immediate discussion, so the country's representation would have time to study the report, consult its government and forward its observations to Geneva. The official deliberations started on 14 November, when Council President Eamon de Valera made an opening statement and gave the floor to the representatives of China and Japan to state their observations – in the presence of the other Council members and the full Commission. Although a Special Assembly had seized the initiative on the Manchurian crisis earlier in the year, de Valera had indicated that the Council still had the right to call for a discussion of the report – before relinquishing the issue. De Valera's

⁶⁶⁵ Steiner (*The Lights That Failed*) provides a detailed overview of the international context, whereas Walters, Housden and Northedge are useful sources for the proceedings and responses by the major powers.

brief opening statement praised the value of the report, but also touched upon the procedural process of the commission's work: 'I could wish that the method of procedure for the setting up of such Commissions might be improved in the future and that the lengthy negotiations which preceded the appointment of the present Commission might thereby be avoided.'⁶⁶⁶ This was an honest assessment that showed awareness on behalf of the Council about the limits of the League's inquiry technique, even though the suggestion would remain undelivered in the future.

During multiple sessions in November the Japanese and Chinese representatives took turns and gave detailed statements on the Lytton report. Each statement commenced with praise for the commission's extensive work and report, before moving to more substantial criticisms – often disguised as observations. The Japanese representation left little doubt about its displeasure with the inquiry's conclusions regarding Japanese military action and its presence in Manchuria. Representative Matsuoka denied that Japan ever had designs in Manchuria, noting it had acted out of self-defence and had no hand in the independence movement – a complete denial of the commission's view.⁶⁶⁷

The Chinese representation (led by Dr Wellington Koo) vehemently opposed the image of China that was drawn by its Japanese counterpart; it defended the Nanking Government's response to Japanese military action and criticised the Japanese treatment of the commission during its assignment. Neither side expressed any form of responsibility regarding the causes of the dispute, even though the report had been at pains to stress the errors made by both the Chinese and Japanese. The wealth of facts was not enough to create a consensus over the narrative of events, as each representation claimed to possess the final truth.⁶⁶⁸ China and Japan refused to move even an inch closer on the issue of Manchuria. Publicly, the Chinese (Nanking) Government remained

⁶⁶⁶ Minutes of the Council Meeting, 14 November 1932, from: *Discussion at the 68th and 69th Sessions of the League of Nations Council*, September-December 1932, 1A-31334-39270, R1873, LONA. With regard to de Valera's statement, the Chaco Commission would take the same amount of time before its official constitution.

⁶⁶⁷ *Discussion at the 68th and 69th Sessions of the League of Nations Council*, R1873, LONA.

⁶⁶⁸ *Discussion at the 68th and 69th Sessions of the League of Nations Council*, R1873, LONA. For more background, also see: Nish, *Japan's Struggle with Internationalism*, 166-167.

in a state of denial over the state of Manchukuo: although it was worried about the fait accompli on the ground (including the lack of international willpower to change it) it stuck to the view that Manchuria was still an integral part of China.

After the observations of the Japanese and Chinese representatives the Council agreed to defer the general debate about the report to a future session of the Special Assembly. The Council's deferral of the discussion to the Assembly suggested a reluctance to act – in line with its decision to organise a time-consuming inquiry. Yet, there was pragmatic reasoning behind the deferral. Czechoslovak representative Edward Beneš expressed the general view that a transfer of the entire matter to the Assembly 'will not deprive us of an opportunity of making these observations.' It was felt that a deferral was the best means to avoid duplicating the debate, yet in practice it also extended the period before any decision would be taken.⁶⁶⁹

In the meantime, the international context showed no sign of producing a consensus on how to deal with the Sino-Japanese dispute. The US Secretary of State had hoped for a more forceful intervention by the Council, rather than a deferral to another League body. In his recollections on the report, Stimson said that 'I do not believe that any impartial reader can peruse its pages and not be convinced that Japan has violated her obligation' to respect the territorial integrity of a fellow League member.⁶⁷⁰ Stimson wanted a strong League voice that would coordinate its actions with the US and collectively uphold the non-recognition of Japanese territorial expansion in Manchuria (under the guise of the Manchukuo state). The major European powers, however, favoured a form of reconciliation with Japan. Arguably, this meant to avoid any red line or forceful condemnation of Japanese action that could damage commercial relations with the predominant economic power of East Asia. Also, the novelty of the situation brought a great deal of uncertainty, as to how Japan would respond to strong League action, especially in an area it considered as one

⁶⁶⁹ *Discussion at the 68th and 69th Sessions of the League of Nations Council*, R1873, LONA. The Japanese would have preferred conclusion at the Council meeting, as the Assembly's involvement risked a stronger condemnation. Perhaps Matsuoka's attitude fuelled the conviction of some Council members to have the matter decided by the Assembly. See: Burkman, *Japan and the League of Nations*, 171.

⁶⁷⁰ Quote from: Stimson, *The Far Eastern Crisis*, 215. Steiner, *The Lights That Failed*, 741-742. Walters, *A History of the League of Nations*, 492-494.

of vital national interest. In contrast, smaller states appeared keener to uphold the League's principles – even if this meant punishing one of its founding members. The Assembly was to be the diplomatic arena in which one approach would prevail over the other.

The Assembly's Committee of Nineteen, a committee set up to keep track of new developments in the Sino-Japanese dispute and decide on any procedural matter, agreed to put the discussion of the report immediately on the agenda of the next plenary meeting without advance deliberations. On 6 December, the Special Assembly reconvened to hear the first speeches of the Chinese and Japanese delegates, largely along similar lines as weeks before in the Council, followed by observations of other League members during the general debate. Smaller member states showed a preference to uphold the international obligations of each state, whereas major powers favoured a conciliatory tone – particularly towards Japan. The Special Assembly agreed to a resolution that effectively sent the issue back to the Committee of Nineteen, which was asked to make proposals based on the facts contained in the report.⁶⁷¹

The Assembly procedure was a time-consuming process. John Simon, the British Foreign Secretary, hoped this would create the opportunity to invite the United States and the Soviet Union to cooperate with the League, in finding the means to reconcile the two opposing countries. In practice, Japan's stubborn attitude regarding self-defence (with new attacks early January in the province of Jehol⁶⁷²) and Manchukuo did little to defuse the tense atmosphere. In its proceedings in the following months, the Committee of Nineteen could only conclude that reconciliation was futile and move forward to prepare a report that upheld the findings of the Lytton Commission and sought to condemn Japan's violation of Chinese territorial sovereignty.⁶⁷³

The Committee of Nineteen adopted the commission's findings without any modifications, although it put aside the recommendations proposed in the final chapter of the report – written

⁶⁷¹ *Committee of Nineteen appointed by the Extraordinary Assembly 1932, Proceedings of Public meetings*, 1A-31334-36529, R1873, LONA.

⁶⁷² Also known as Rehe, although the province no longer exists.

⁶⁷³ *Committee of Nineteen appointed by the Extraordinary Assembly 1932, Report and Resolutions*, 1A-31334-36732, R1873, LONA. Stimson, *The Far Eastern Crisis*, 226-227.

by the commissioners in a spirit of reconciliation. Generally, it took a clear stance on Japan: the country was found responsible for the crisis which had erupted after the events at Mukden. The Committee's report recommended troop withdrawal, a return to Chinese sovereignty of the territory, and the opening of negotiations. On 25 February 1933, the Assembly adopted the Committee's report almost unanimously – only Japan dissented. Approximately one month later, the representative of Japan gave formal notice of his country's intention to withdraw from the League of Nations. In other words, Japan turned towards isolation at the international stage by leaving the political order that was created after the First World War – its departure a significant blow to the reputation of the League.⁶⁷⁴

How did the commissioners look back on the action taken by the League of Nations? Commissioner McCoy had few doubts about Japan staging the Mukden incident to justify a military intervention in Manchuria. His views on the subsequent actions by the League are not known, although he supported US Secretary Stimson's policy of non-recognition and his desire to see a forceful collective response to Japanese actions – which was achieved with the Assembly's final resolution although this contained no practical means to punish malignant behaviour.⁶⁷⁵ According to Nish, Dr Schnee was critical of the report itself, although this claim cannot be substantiated from his published writings.⁶⁷⁶ Lord Lytton's views on the aftermath of the commission's work are well known, since he produced several speeches and written pieces that provided commentary on League decisions. For example, in 1935, Lytton expressed misgivings about the Committee's failure to take the recommendations of the inquiry seriously:

'It has never gone beyond the first 8 chapters of our Report, except by appointing a Committee to conduct negotiations which in fact they never have conducted. The League has done nothing but condemn. It has not even discussed any possible solution. It has

⁶⁷⁴ *Committee of Nineteen appointed by the Extraordinary Assembly 1932, Report and Resolutions*, R1873, LONA. The League generally underestimated Japanese intransigence over the Manchurian issue, see: Steiner, *The Lights That Failed*, 742. Some attempts to appease Japan continued; the Japanese continued to be involved with the League's 'technical work' for several more years after its departure.

⁶⁷⁵ Bradshaw, "Frank Ross McCoy and the Lytton Commission," 626-628.

⁶⁷⁶ Nish, "Germany, Japan and the Manchurian Crisis," 103. Schnee, *Völker Und Mächte Im Fernen Osten*.

offered no help. It has made no representations. (..) In short, the League has not yet succeeded because it has not yet tried.'⁶⁷⁷

Lord Lytton, though unwavering in his support for the idea of the League, showed general disappointment over the League's handling of the Manchuria issue. In his lifetime, he never publicly questioned the facts that were produced in the report ('I have nothing to add to it'), nor the compromises that may have been made to achieve consensus.⁶⁷⁸ Lytton only expressed regret that more could not be done to persuade Japan to remain a member of the international community and achieve Sino-Japanese reconciliation. Stronger action, with the initiative of the major powers, could have persuaded Japan. In 1936, he voiced the view that the League's failure was only to blame on 'the absence of will on the part of the principal Powers concerned to take the necessary action'.⁶⁷⁹ Imperial calculations, from Japanese expansion on the Chinese mainland to a lacklustre response from the Western imperial powers regarding a decisive change in the power status-quo in East Asia, conditioned the origins and aftermath of the Manchurian crisis.

Conclusion

How did inquiry, the technique heretofore 'mastered' by the League of Nations, fare in a conflict of unprecedented scale? For the Lytton commission, the Council mandate offered a clear separation of its fact-finding mission from the negotiation towards a reconciliation of the disputing parties. However, the purely advisory character of the commission was hard to achieve in practice, as the desire to put a stop to hostilities often dominated the minds of the commissioners – rather than the original task to investigate all the aspects of the dispute. By mid-1932 the situation in Manchuria had changed to the extent that no involved party could really imagine a return to the status quo ante, making the question what happened in the past not as relevant as what to do in the future. For this reason, the commissioners opted for a report that

⁶⁷⁷ *The Far Eastern Problem and World Peace: speech by Lord Lytton in Washington D.C.*, 10 February 1935, Victor Bulwer-Lytton Manchurian/LN Files, Box LH27, KHBL.

⁶⁷⁸ *The Far Eastern Problem and World Peace: speech by Lord Lytton in Washington D.C.*, Box LH27, KHBL.

⁶⁷⁹ *The Fate of the League of Nations: speech by Lord Lytton*, 1936, Victor Bulwer-Lytton Manchurian/LN Files, Box LH36, KHBL.

emphasised the outline of a future reconciliation in its conclusion, rather than an attribution of guilt. Although Lytton held truth seeking in high esteem, in reality it was limited by a team of commissioners that reflected a Western imperial balance of power, i.e. the exclusive representation of large (mostly European) states with economic and political interests in the East Asia region. Although the commissioners served as individuals rather than representatives of their countries, a tense international situation meant that the line between personal judgement and national interest could be blurred. Similarly, the unequitable composition and lack of on-the-ground knowledge made the Lytton Commission reliant on its League staff and a team of experts, but also framed the analysis along the Western-centric lines and a civilisational dimension. Overall, the inquiry relied on a team of experts and collected a wealth of facts that helped to gauge Chinese public opinion and documented how the Japanese-led state of Manchukuo had no popular support.

The Lytton Commission overcame institutional restraints, which could have produced personal rivalries or led to a disagreement over the final report. All commissioners were unanimous in their decision to have Lord Lytton as chairman, hence the inquiry never experienced an open rift of leadership. There were signs of minor disagreements over how Lytton ran the inquiry – especially the secluded drafting of the report – and the predominance of his views embedded in the chapters. It never amounted to a lasting conflict, yet there is the suggestion that the commission nearly fell apart over the treatment of Japan in the report. However, compromise was reached that preserved the unanimity among all commissioners, an agreement over the contents which did not waver as the years passed and the members reflected on their participation in the inquiry. Personal agency had given a strong impetus to a successful conclusion of the undertaking, a desire to let the facts speak for themselves and to inform the decision-making process. The report, in its attempt to strike a balance between the two parties but state the facts where there was certainty, did provide the League of Nations with the required knowledge to act on the situation which had developed in Manchuria.

The Lytton Commission's limited impact, therefore, stems to a large extent from imperial internationalist context in which the findings were produced. The wealth of information dug up during the inquiry quickly became politicised by the involved parties – eager to hold on to their narrative of what had transpired and the current situation on the ground – but also faced a bigger challenge in the limited support expressed by the major powers to act upon the general findings. Therefore, the League's capacity to address the Sino-Japanese dispute over Manchuria was severely constrained by power contestation and competing interests at both the local, national and international level. The internal instability of the inter-war Chinese Republic and the strategic importance of Manchuria for the Japanese Empire brought the two powers in a direct confrontation, symbolised in a series of skirmishes and minor incidents in the late 1920s and early 1930s.

Manchuria, as other sites of inquiry, was also a region of significant imperial contestation, between powers seeking to preserve their special economic interests, and a new, rising imperial power set on challenging China's territorial integrity and its open door trade policy. The interests of larger powers muddled the picture, as good relations with Japan were weighed against continued access to China; in practice, it caused delay and precluded a strong intervention after the Mukden incident. While small League members were ready to speak out against violations of international law, overall the League was impotent when it wished to exert political pressure. Sanctions transpired when the Manchurian plains were already lost to the Chinese Republic. Moreover, the non-membership of the United States and the Soviet Union complicated the international coordination of action on the two disputing countries. The course of events after 18 September 1931 removed all scope for moderation and compromise between China and Japan – with no path of return to the status quo ex ante. The international context of global economic depression was not favourable to bold action.

As such, the League's biggest fact-finding mission up to this moment did not produce a political catalyst that could uphold the principles enshrined in the Covenant. The ideal of fact-finding and

impartial knowledge that could decide a dispute and punish transgressions of international law, in practice only aided to delay the political decision-making process. Seen from the imperial internationalist angle, this was not a surprising but rather an intentional outcome, produced the political and institutional context. There was no willingness for a direct imperial confrontation in East Asia, which could have been provoked by a forceful mandate from the start (under Article 15) or a rapid verification of facts (through a consular committee). Rather, a lengthy investigation served as the best interim solution to a dispute without a clear outcome – one that postponed the question how to deal with Japanese imperial ambitions in its region. League members were not ignorant about what was occurring in Manchuria, as Japanese ambitions quickly became evident through its military actions but opted for a slow verification of facts.⁶⁸⁰

Building momentum for an international response, therefore, was an intentionally slow process. Although the League's action culminated in the Assembly's resolution which adopted the report's facts (not its recommendations) and placed the bulk of the responsibility on Japan for provoking the Manchurian crisis, it was long overdue and effectively paralysed the institution. A direct confrontation was avoided but Japan's decision to withdraw from the League in 1933 effectively took away the means of the international system to uphold the order in East Asia it had established after the First World War. Without a stronger League of Nations and concerted international action, it prefigured an entire region conceding to Japanese hegemony.

⁶⁸⁰ Lytton implies as much in a speech from the autumn of 1932: *Manchuria – the next step: speech by Lord Lytton*, Victor Bulwer-Lytton Manchurian/LN Files, Box LH27, KHL.

6: The Inquiry Commission for the Chaco Dispute

Reconciliation over truth

‘The Chaco War was perhaps the clearest of all cases in which the world’s will to peace
could easily have prevailed if it had been concentrated in a single institution, but was
doomed to failure by its fatal dispersal.’
(Francis P. Walters, *A History of the League of Nations*, 1952)

‘In this part of the world, time, money, distance, and, indeed, all the little accuracies
on which civilised people rely as a matter of course, mean nothing whatever.’
(Julian Duguid, *Green Hell: Adventures in the Mysterious Jungles of Eastern Bolivia*, 1931)

Introduction

In 1932, journalist Clarence Haring remarked in *World Affairs* that for Latin America most of its international conflicts ‘have been caused by border disputes.’⁶⁸¹ Haring made this observation largely because of the Chaco War, fought by Bolivia and Paraguay over the possession of a territory of thick vegetation and grasslands known as the Chaco Boreal. Since the early nineteenth century, the two countries had made rival claims for the ownership of the Chaco Boreal and subsequently failed to agree over a definitive border between them. Embers of conflict simmered for over a century but erupted into a full-blown war in 1932. The Chaco War lasted until 1935, after the exhaustion of all military options. A succession of army campaigns had put a strain on logistical and financial capabilities, although the cessation of hostilities was brokered by the other American states. A peace treaty was signed in 1938.

In May 1933, the League of Nations became closely involved with the regional conflict, when the Council of the League resolved to send an inquiry commission to the disputed area, tasked to find an arrangement which could lead to a cessation of hostilities and to prepare for an arbitration agreement that would settle the conflict. Earlier attempts to improve relations between Bolivia and Paraguay, over the Chaco dispute were handled by the adjacent American states (Argentina, Brazil, Chile, and Peru) and the United States. In 1928 the League’s Council had established a

⁶⁸¹ Clarence Henry Haring, “The Chaco Dispute.”, *World Affairs* 95, no. 3 (1932): 176.

Committee of Three to keep track of developments in the dispute, but it delegated the initiative of negotiations to the states in the Western hemisphere, due to their proximity and interest.⁶⁸² The background to the League's direct involvement in 1933, through an inquiry commission, will be explored in more detail in this chapter, but it is essential to clarify here how the Council was acting in the Chaco dispute because of precedents set elsewhere. At the same time, it constituted the last example of the League's use of inquiry in international politics.

The American states neighbouring Bolivia and Paraguay had attempted to settle the question through the format of a conciliation commission, after several eruptions of violence in 1927 and 1928. The Conference of American States⁶⁸³ ordered the establishment of a neutral body (with representatives of the United States, Cuba, Mexico, and Uruguay) to find a solution to the long-standing dispute. The creation of such a commission was facilitated through international law, via a 1923 treaty on the prevention and avoidance of conflicts between the American states. This treaty was the outcome of a previous Conference of American States but was also preceded by multiple attempts at concluding reconciliation agreements for the Western hemisphere.⁶⁸⁴ The treaty was meant as a fail-safe option in case of war mobilisation. Bolivia and Paraguay were signatories to the 1923 treaty and therefore were obliged to respect its contents: the first article stated that a controversy 'shall be submitted for investigation and report to a Commission' in case it was impossible to settle it via diplomatic channels.⁶⁸⁵ The Conciliation Commission released its report in 1929, suggesting a plan for arbitration of the 'fundamental question' of the division of the Chaco.⁶⁸⁶ However, the arbitration process was never initiated because the two countries declined to follow the proposed procedure.

⁶⁸² *Documentation concerning the dispute between Bolivia and Paraguay* (Geneva: League of Nations, December 1926). *Chaco Dispute: Preparation report of 72nd Session of the Council*, May-June 1933, 1-343-3456, R3615, LONA.

⁶⁸³ Organised by the Pan-American Union, sometimes described as Pan-American Conference.

⁶⁸⁴ See the international law section of chapter 2, 'The League of Nations and its Commissions of Inquiry'.

⁶⁸⁵ "Treaty to avoid or prevent conflicts between the American states, Santiago (Chile), 3 May 1923," Organisation of American States, accessed 5 December 2016, <http://www.oas.org/juridico/english/sigs/a-18.html>.

⁶⁸⁶ "Bolivian-Paraguayan Dispute over the Chaco: Final Report of the Conciliation Commission." *Advocate of Peace through Justice* 91, no. 6 (1929): 395-97.

Failure of mediation by the American states created the opportunity for an alternative approach. The League of Nations had gained experience with territorial disputes as well as armed conflicts in Europe. During its first decade of existence, the League had successfully dealt with territorial disputes and sovereignty questions in Europe, although in Manchuria it had been unable to restore the status quo ex ante. The League's Council, under the presidency of Mexican representative Francisco Castillo Nájera, concluded in 1933 that Article 11 of the Covenant could be invoked, as the threat of war between Bolivia and Paraguay 'was a matter of concern to the whole League' and action could be undertaken 'that may be deemed wise and effectual to safeguard the peace of nations'.⁶⁸⁷ The Chaco dispute resembled the Manchurian case because of its regional scope and challenging political context – comparative aspects which are explored in this chapter.

The League's Council could rely on its Covenant as well as multiple institutional precedents to frame its direct intervention in the matter of the Chaco Boreal, with the despatch of a League commission. From November 1933 until March 1934 the Chaco Commission operated in the region, its members travelling between the capitals of Latin American states, visiting the Chaco Boreal, including the military front, with the aim of bringing about a cessation of hostilities and finding a solution to the territorial question. In this task, the commission experienced several obstacles, related to its internal dynamics and the external political context, which will be identified in detail in this chapter. These relate to the politicised composition of the commission, its internal disagreement, but also the lukewarm support or even institutional rivalry from the American states and the intransigence of Bolivia and Paraguay. Moreover, the Council's broad mandate and remote support equally impeded the working conditions of the League's representatives. Whereas imperial entanglements were less perceptible in this context, international hierarchies, expansionist ambitions and civilisational discourse frequently surface in the empirical fabric of the chapter, thereby showing the main tenets of the thesis' imperial

⁶⁸⁷ "The Covenant of the League of Nations," Article 11. *Chaco Dispute: Proposals of Paraguayan and Bolivian Governments of July 1933*, 1-5435-5941, R3635, LONA.

internationalist framework. The Chaco Commission returned to Europe after it was unable to secure its objective of bringing about a permanent solution to the conflict; it presented a report that reflected on its unsuccessful efforts to the Council of the League of Nations.

The Chaco War has received considerably less attention than the events that took place in Europe and East Asia during the 1930s, despite its importance for the Western hemisphere.⁶⁸⁸ For a long time international historians have perceived it as a remote conflict of a limited scale, and have treated it in a separate literature.⁶⁸⁹ Only recently, scholars have made efforts to connect the inter-war internationalism with Latin America's diplomatic context.⁶⁹⁰ Many accounts of the Chaco War favour the military side of the conflict, overshadowing the role of the League of Nations.⁶⁹¹ The latest research compendium regarding the Chaco War deals with fascinating aspects related to environment and nationalism, in an attempt to broaden the perspective, but overlooks the Chaco Commission.⁶⁹² Inter-war observers⁶⁹³ exhibited a greater interest in the League's efforts: one observer, Ronald Stuart Kain, thought that the Chaco was far from a remote, regional conflict; rather, it offered a valuable lens to evaluate the workings of the League as part of an international dispute resolution mechanism.⁶⁹⁴

⁶⁸⁸ This mostly applies to the historiography written in English and French. Latin American scholars have produced a lot of work on the Chaco War, but with less attention to the League. Significant publications in recent decades are: Bruce W. Farcau, *The Chaco War: Bolivia and Paraguay, 1932-1935* (Westport: Praeger, 1996). Bridget María Chesterton, *The Chaco War: Environment, Ethnicity, and Nationalism* (London: Bloomsbury Academic, 2016).

⁶⁸⁹ Walters' *A History of the League of Nations* is the familiar exception here.

⁶⁹⁰ Yannick Wehrli, "La multiplicité des intervenants dans la résolution pacifique du conflit du Chaco, 1932-1935 : un obstacle à la paix?" In *Prévention, gestion et sortie des conflits*, ed. Vincent Chetail (Genève: Université de Genève, Institut européen, 2006), 181-200. Yannick Wehrli, "Latin America in the League of Nations: Bolívar's Dream Come True?" In *Latin America 1810-2010*, eds. Claude Auroi and Aline Helg (London: Imperial College Press, 2011), 67-82. Fabián Herrera León, "México en la Sociedad de Naciones, 1931-1940." Doctoral Thesis, Secretaría de Relaciones Exteriores, Dirección General del Acervo Histórico Diplomático, 2014.

⁶⁹¹ Matthew Hughes, "Logistics and the Chaco War: Bolivia versus Paraguay, 1932-1935." *The Journal of Military History* 69, no. 2 (2005): 411-37. David H. Zook, *The Conduct of the Chaco War* (New York: Bookman Associates, 1960).

⁶⁹² Chesterton, *The Chaco War*.

⁶⁹³ Magazines such as *Foreign Affairs* and *World Affairs* published reports on the situation. *The American Journal of International Law* kept an eye on major judicial developments related to the Chaco dispute.

⁶⁹⁴ Ronald Stuart Kain, "The Chaco Dispute and the Peace System." *Political Science Quarterly* 50, no. 3 (1935): 321-42,

At the time of the Chaco War, observers came to divergent conclusions regarding the impact of the Chaco Commission, ranging from 'the story of failure' to the recognition that the commissioners had produced a report of 'extraordinary importance'.⁶⁹⁵ Much of this binary analysis, which can also be perceived in the overall League historiography, was based on a limited understanding of the internal dynamics of the Chaco Commission – beyond its formal characteristics – and how it interacted with the multi-level nature of the context of the conflict, comprising rival actors and bodies, regional interference, foreign (economic) interests in an underdeveloped region, and a contested League authority in the Western hemisphere. The focus of this chapter is on the commission's work on the ground and how it was constrained by personal agency, institutional limitations and the interests of competing powers.

As with the previous case-study chapters, the League's involvement in the region is approached from the perspective of the Chaco Commission, to create a multi-level frame of analysis. As such, the on-the-ground practices of the Chaco Commission during the inter-state dispute are turned into a microcosm of the international peace system during the inter-war period – the Commission's limitations as a reflection of the League's inability to uphold collective security in Latin America. For instance, the chapter specifies how the League Council's broad mandate for the Commission echoed an indecisiveness as to the means to settle the dispute, which left the commissioners with unclear guidance but a lot of personal agency to pursue their task. The League's selection of commissioners, on the basis of nationality rather than expertise, shifted the attention towards diplomacy and political interest rather than impartial methods and fact-finding. Moreover, the absence of a united front supporting the Chaco Commission was the result of insufficient cooperation between the League with the Latin American bloc as well as non-members (such as the United States).

The Chaco dispute saw interaction and contestation between actors at multiple levels, namely the local, the domestic and the international. Competing personal views, palpable political rivalries,

⁶⁹⁵ Charles Cheney Hyde, "Looking Towards the Arbitration of the Dispute over the Chaco Boreal." *The American Journal of International Law* 28, no. 4 (1934): 718–23.

nationalist agendas to gain electoral success, regional interests that sought to delay a resolution, and parallel hierarchies of the American states and the League of Nations, duplicating peace efforts, were interacting forces which all had an influence on the working conditions and the practices of the Commission. Scholars have generally focused on one level of interaction and conflict, while forsaking the interconnections with other factors, occurring at different levels.⁶⁹⁶ In a multi-level analysis, the incapacity of the League Commission is explained and contextualised not just by its own actions but also by the character of the Bolivian-Paraguayan conflict, a civilisational dimension that runs through the attempts to expand into the underdeveloped Chaco Boreal, as well as the deficiencies in international peace machinery in Latin America that failed to impede the successive outbreak of hostilities between Bolivia and Paraguay. To the extent possible, the chapter pursues relevant traces to other incidents, such as the Manchurian crisis and the Leticia dispute, which are mentioned in the source material. Due to their temporal proximity and a similar involvement of the League of Nations, these references will be highlighted whenever relevant.⁶⁹⁷

The origins

The dispute between Bolivia and Paraguay finds its origins in the volatility created after the abandonment by the Spanish Empire of its colonies in Latin America, in the early nineteenth century. The decolonisation process complicated inter-state relations, due to absence of fixed boundaries between the newly created political entities. Over the course of the century, the independent countries of Latin America fought both legal and military battles over the division of the vast territorial spoils. The Chaco Boreal is a lowland space north of the Rio Pilcomayo and to the west of the Rio Paraguay, that is part of wider natural region named the Gran Chaco. The

⁶⁹⁶ For example: Wehrli, "Latin America in the League of Nations: Bolívar's Dream Come True?," 67-82.

⁶⁹⁷ Victor-Ives Ghebali has studied the League's management of the Leticia conflict but without a comparative component to the Chaco war: Victor-Yves Ghebali, "La gestion des conflits internationaux par la Société des Nations: Rétrospective critique." *Études internationales* 31, no. 4 (2000): 675-690. Pierre-Etienne Bourneuf, "'We Have Been Making History': The League of Nations and the Leticia Dispute (1932-1934)." *The International History Review* 39, no. 4 (October 26, 2016): 592-614.

Boreal became a contentious issue in the second half of the century, after an 1852 treaty signed between Paraguay and Argentina recognised the former country's claims over the territory, including both river banks of the Rio Paraguay, to the dismay of Bolivia. Before, neither country had made an outspoken assertion over the Chaco Boreal, which was still a scarcely populated and economically underdeveloped territory. One American journalist considered it a 'little-known wilderness, with serious defects as a field for either agriculture or stock raising.'⁶⁹⁸ However, the risk of Bolivia losing its access to the west bank of the Rio Paraguay, and an ability to navigate the main waterway in the region, led to a series of legal claims and assertions of sovereignty in the following decades.⁶⁹⁹

The existing tension over the Chaco Boreal, i.e. the question where to situate the border between Bolivia and Paraguay, was exacerbated by inter-state war and the rivalling claims of other neighbouring states concerning the Gran Chaco (that includes the disputed Boreal). Due to its large size, the Gran Chaco stretches across multiple Latin American countries. A war fought in the 1860s between Paraguay and the Triple Alliance consisting of Argentina, Brazil, Uruguay – which left Bolivia out of the diplomatic picture – and resulted in a bilateral negotiation between Argentina and Paraguay that carved up portions of the Gran Chaco region. Part of the territory under negotiation, the Chaco Boreal, was not immediately recognised by either party but submitted the United States President for arbitration – a right constituted under the Monroe Doctrine.⁷⁰⁰ Bolivia, not part of the negotiation process, was unable to submit her own claims for the Chaco Boreal in the arbitration procedure. As a consequence, Bolivia was left empty-handed when the US Government decided in 1879 that Paraguay was entitled to the disputed region.⁷⁰¹ While Bolivia refused to acknowledge the US-made decision, Paraguay considered it as a right to

⁶⁹⁸ William L. Schurz, "The Chaco Dispute Between Bolivia and Paraguay." *Foreign Affairs*, July 1, 1929.

⁶⁹⁹ John Lynch, "The River Plate Republics from Independence to the Paraguayan War." In *The Cambridge History of Latin America, Volume 3: From Independence to c. 1870*, ed. by Leslie Bethell, (Cambridge: Cambridge University Press, 1985), 615-678.

⁷⁰⁰ Arnold Toynbee, *Survey of International Affairs 1933* (London: Oxford University Press, 1934), 405.

⁷⁰¹ Paul H. Lewis, "Paraguay from the War of the Triple Alliance to the Chaco War, 1870-1932." In *The Cambridge History of Latin America, Volume 5: From 1870 to 1930*, ed. Leslie Bethell, (Cambridge: Cambridge University Press, 1985) 478.

lay claim over the entire Chaco Boreal. To make matters worse, in 1884 Bolivia was forced to concede defeat in the War of the Pacific and lost its coastal department to Chile. Now a landlocked country, the prospect of reliable access to a major waterway became a pressing concern for Bolivia.⁷⁰²

The last decades of the nineteenth century saw new developments in the Chaco Boreal dispute. A series of diplomatic initiatives was undertaken to find agreement between Bolivia and Paraguay, although in practice chiefly reinforced the status quo. No effort was spared to negotiate and draw up treaties but, as Ricardo Yegros observed, the problem came down to a 'series of lamentable agreements and initiatives that never reached fruition'.⁷⁰³ Treaties failed because one or other of the parties refused to implement them, as political compromise over the Chaco Boreal proved to be impossible. According to the military historian David Zook, there was 'no well-defined, generally accepted doctrine on either side' concerning the problem, which raises the question why the two countries were so eager to preserve their claims over the sparsely populated region.⁷⁰⁴ Their reluctance to compromise contradicted a decade-long history of disinterest in the development of the region.

Of late, Bolivia and Paraguay had considered the potential gains that came with the development of the Chaco Boreal and the spread of civilisation. Paraguay began with the sale of lands in the Chaco Boreal to pay off debts from the war with the Triple Alliance. Bolivia's desire to have a viable port on the west bank of the Rio Paraguay became increasingly important, although the landlocked country had not undertaken any major attempt to develop the infrastructure of its hinterland. Both countries supported the influx of minority groups (such as the Mennonite community) and the settlement of religious missions – each side in a covert attempt to extend

⁷⁰² Herbert S. Klein, "Bolivia from the War of the Pacific to the Chaco War, 1880-1932." In *The Cambridge History of Latin America, Volume 5: From 1870 to 1930*, ed. Leslie Bethell (Cambridge: Cambridge University Press, 1985), 553-586.

⁷⁰³ Cited in: Chesterton, *The Chaco War*, 4.

⁷⁰⁴ Zook, *The Conduct of the Chaco War*, 26.

control.⁷⁰⁵ While some have pointed out the role of 'national pride and prestige' in this period, the Chaco dispute was mostly a diplomatic and legal battle which saw neither armed conflict nor strong public passions.⁷⁰⁶

The twentieth century brought a more eventful period, characterised by three significant processes, namely the militarisation of the diplomatic game, thriving nationalist passions in the domestic arena, and the internationalisation of the dispute. First, both sides sought to extend direct control over parts of the Chaco Boreal through repeated military advances and the construction of defensive forts. Although described as a 'stop and go process', the continued advances effectively militarised a hitherto diplomatic pursuit via peace treaties (all of which failed), generating the risk of an armed confrontation.⁷⁰⁷ Second, the question of the Chaco Boreal transformed itself in an issue of national sovereignty, where hardened positions proved popular with the public – of which domestic politicians eagerly took advantage. By the inter-war years, neither Bolivia nor Paraguay was 'willing to recede a hair's breadth from its extreme position (...) for fear that any concession will bring upon its head the wrath of the carefully fostered nationalist and chauvinist sentiment of its people.'⁷⁰⁸ The discovery of oil in the 1920s raised the stakes for complete control over the Chaco Boreal, as each country hoped to profit from a sudden boom in oil revenues and attract commercial investment. Bolivia as well as Paraguay gradually moved towards a position of exclusive sovereignty over the territory.⁷⁰⁹ Third, the steady deterioration in Bolivian-Paraguayan relations strengthened the calls for an external intervention of an international body. Neighbouring countries had supported several botched attempts at a peace treaty in the early twentieth century. When a minor military incident with the capture of a Paraguayan patrol in 1927 was followed by an attack in 1928 on a recently constructed

⁷⁰⁵ Chesterton, *The Chaco War*, 4. Bruce W. Farcau, "The Chaco War," . "Chaco War (1932–1935)." In *The Encyclopedia of War*, ed. by Gordon Martel (Chichester: Wiley-Blackwell, 2012).

⁷⁰⁶ Haring, "The Chaco Dispute," 176.

⁷⁰⁷ Lewis, "Paraguay from the War of the Triple Alliance to the Chaco War, 1870-1932," 493.

⁷⁰⁸ Haring, "The Chaco Dispute," 178.

⁷⁰⁹ Lewis, "Paraguay from the War of the Triple Alliance to the Chaco War, 1870-1932," 493. Zook, *The Conduct of the Chaco War*, 46-47.

Paraguayan fort, by a forward deployment of Bolivian troops, a full-blown mobilisation for war was only averted due to the mediation of the American states.⁷¹⁰

The eruption of war over the Chaco in 1928 was put to a halt with the help of the Pan-American Union: since the previous century it hosted the Conference of the American States, with the purpose of bringing all the political entities of the continent closer together. As mentioned before, the Conference of American States of 1928 tried finding a way out of the dispute with the appointment of a conciliatory body that would ascertain the views of Bolivia and Paraguay and propose a possible settlement. The American states not directly concerned with the dispute, such as the United States and Mexico, had an interest in avoiding war in their hemisphere: the eruption of a Bolivian-Paraguayan war risked involving the neighbouring states, and thus a repetition of the nineteenth century alliance wars. The Conciliation Commission, however, was unable to achieve anything more than a superficial and temporary reconciliation – including the restoration of diplomatic relations. It failed to encourage Bolivia and Paraguay to accept a proposal for a permanent settlement of the Chaco Boreal dispute through arbitration.⁷¹¹

The proposal fell into the water because the countries disagreed over two contentious points. First, Bolivia and Paraguay could not agree whether a security agreement, guaranteeing an armistice and providing safety measures on both sides, should go in advance of the arbitration procedure. Paraguay stated that security guarantees were a precondition to start any judicial arbitration, whereas Bolivia favoured to negotiate an armistice and arbitration agreement in parallel. Second, the two countries were unable to agree which area should be subjected to a future arbitration process: Paraguay considered that all of the Chaco Boreal should be scrutinised by an arbitration court, whereas Bolivia argued that only parts of the region should be arbitrated that had not been settled by older treaties – in the nineteenth century. For both points, the fixed positions of the two countries pitted them against each other and left limited room for a

⁷¹⁰ *Documentation concerning the dispute between Bolivia and Paraguay*, 1-14.

⁷¹¹ "Bolivian-Paraguayan Dispute over the Chaco: Final Report of the Conciliation Commission," 395-397. The chairman of this conciliation commission was Frank McCoy, who also served on the Lytton inquiry.

diplomatic compromise – inflexible stances that would continue to haunt all negotiations over the next years.⁷¹²

Previously, historians considered that the failed attempt at conciliation was either due to foreign oil interests or the deliberate scheming of the neighbouring countries towards conflict.⁷¹³ Marxist interpretations have sought the origins of the Chaco War in the role played by economic imperialism, each side backed by rival foreign oil companies that provided funds for increased military expenditure. However, as Bridget Chesterton notes, there is little evidence in the source material that lends credibility towards this interpretation.⁷¹⁴ Diplomatic documents used in this chapter contain no direct traces of corporate interests playing a substantial role in the conflict, although there were certainly foreign economic stakes tied to the development of the Chaco.⁷¹⁵

In contrast, recent historiography and diplomatic cables reveal that the role of the neighbouring countries, Argentina and Chile in particular, is more ambiguous than assumed. As Paraguay developed closer relations with Argentina after the Triple Alliance War, it became dependent on exports towards its richer neighbour and access to the harbour of Buenos Aires. Equally, Bolivia was forced to rely on Chile for access to the Pacific Ocean, binding the two countries closer together. In turn, Argentina and Chile encouraged each side to keep a firm position in the dispute. The two neighbours showed no resolve to help end the dispute, because they benefitted from the ongoing turmoil – a distraction for its poorer, but potential economic rivals in the region. In other words, the underlying game of allegiances and regional influence complicated the nature of negotiation process, as no earnest pressure was mounted on the belligerents. Each time an excuse was found to postpone an accord.⁷¹⁶

⁷¹² *Dispute between Bolivia and Paraguay. Report of the Chaco Commission* (Geneva: League of Nations, May 1934) 23-24. *Chaco Dispute: Report and Observations of Governments*, 1-5435-11437, R3635, LONA.

⁷¹³ This also appears in popular accounts of the war, for example: Hergé, Michael R. Turner, Leslie Lonsdale-Cooper, and Stuart Tett. *The Adventures of Tintin: The Broken Ear* (London: Egmont, 2013).

⁷¹⁴ Chesterton, *The Chaco War*, 12-13. This also finds echo in: Klein, "Bolivia from the War of the Pacific to the Chaco War, 1880-1932," 584.

⁷¹⁵ See correspondence with Standard Oil in: *Chaco Dispute: Correspondence with individuals and associations*, 1-343-343, R3613, LONA.

⁷¹⁶ L.A. Moniz Bandeira, "A Guerra Do Chaco." *Revista Brasileira de Política Internacional* 41, no. 1 (June 1998): 162-97. *Chaco Dispute: Correspondence with the Bolivian Government*, 1-343-1124, R3614, LONA.

Given the severity of the situation and the probability of international contestation over the Chaco Boreal dispute, it is surprising to note that the League of Nations did not directly intervene in 1928 with the application of Article 11, as it would do in 1933. As one contemporary noted, 'the Latin American nations save Ecuador eventually joined the League of Nations', giving the organisation near-universal adherence to the Covenant in case of a regional dispute.⁷¹⁷ It was well placed to act, and at least in some Latin American capitals the perception held that the League could be a more disinterested and neutral mediator than the Pan-American Union. The fifty-third session of the Council in December 1928 closely followed the events as they unfolded, yet it restricted its actions to a call to its two members to uphold the Covenant and use pacific means to settle the dispute.⁷¹⁸ The circumscribed communication by the Council was a consequence of the fact that the Western hemisphere, acting through the Pan-American Union, had seized already the initiative with the formation of a commission, comprising American neutrals, to start conciliatory proceedings – the preferred course of the United States as a non-member of the League. According to Stephen Duggan, the American states acted in their traditional way 'of solving purely American problems by means of American agencies', thereby leaving the League on the side-line.⁷¹⁹ At the time, Bolivia and Paraguay had not yet sought the aid of the League, and the Council appeared at ease with yielding the initiative to the Pan-American Union and thus limiting its role to the exchange of information.⁷²⁰ A League Council-established Committee of Three, consisting of Guatemala, Spain and the Irish Free State, was tasked to follow the developments.⁷²¹

The inability of the Conciliation Commission to find common ground between Bolivia and Paraguay after the 1928 incident proved to be a replay of past episodes. Although the fragile

⁷¹⁷ Stephen P. Duggan, "Latin America, the League, and the United States." *Foreign Affairs* 12, no. 2 (1934): 283.

⁷¹⁸ *Documentation concerning the dispute between Bolivia and Paraguay*, 3-8.

⁷¹⁹ Duggan, "Latin America, the League, and the United States," 291.

⁷²⁰ *Documentation concerning the dispute between Bolivia and Paraguay*, 8. Toynbee, *Survey of International Affairs 1933*, 405. *Chaco Dispute: Correspondence with the Neutral Commission*, 1-343-390, R3613, LONA.

⁷²¹ *Dispute between Bolivia and Paraguay*, 26.

status-quo over the Chaco Boreal was upheld, peace between the two neighbours hung by a thread. In 1931, a Commission of Neutrals (composed of Columbia, Cuba, Mexico, the US and Uruguay) undertook an attempt to sign a non-aggression pact. However, disagreement over the duration of such a pact dragged the discussions into the next year and eventually broke down with the onset of hostilities. Historians agree that in the aftermath of the breakdown of the Pan-American-backed conciliation, 'war was inevitable', although this view too easily overlooks the absence of pressure put on the two countries to settle their differences.⁷²² While the neighbouring states had on several occasions formally supported the reconciliation process, they were incapable or unwilling to diffuse the increasingly hostile rhetoric between Bolivia and Paraguay. Argentina and Chile held off from retaining pressure on their neighbours, since the lingering conflict was not perceived as an immediate threat to regional stability. This ambiguous role of support complicated any chance of successful intervention a neutral mediator, or even the direct cooperation between international agencies, suggesting that the time was not yet ripe for concerted action towards ending the territorial dispute.

The catalyst

Hostilities in the Chaco Boreal broke out in June 1932, when a Bolivian detachment attacked a Paraguayan fort raised near Lake Pitiantuta, one of the few strategic water resources in the Chaco region. The Bolivians were unable to hold the fort for a long period: after a week, a Paraguayan retaliation forced the attackers to flee. The Bolivians assumed they had the 'upper hand in any war with Paraguay', but the unexpected defeat at Lake Pitiantuta came as a shock to the government in La Paz.⁷²³ Nevertheless, plans were made for a series of attacks on Paraguayan forts in the next months. While the war between Bolivia and Paraguay was not yet officially declared, because of the recent hostilities both countries mobilised their population for war and gave up all diplomatic attempts at reaching a peace accord. The Bolivian army tried multiple advances in the months following June 1932, aiming for the possession of well-located

⁷²² Lewis, "Paraguay from the War of the Triple Alliance to the Chaco War, 1870-1932", 495.

⁷²³ Chesterton, *The Chaco War*, 4.

Paraguayan fortresses, but Paraguay successfully repelled each attempt to gain a territorial and strategic advantage. A renewed Bolivian offence took place at the end of 1932, that exerted strong pressure on the Paraguayan army but produced nothing but a stale-mate between the two belligerents. By 1933, few military gains were made, and the initiative was shifting in favour of a Paraguayan counter-offensive. The start of hostilities in June 1932 until December 1933, when a temporary armistice was reached, marks the first phase of the Chaco War.⁷²⁴

Shortly after the outbreak of the hostilities in 1932, the Chaco War was hailed as 'a foolish if not a disastrous' idea by Haring in *World Affairs*, as he believed the belligerents did not have the financial resources to sustain a drawn-out military conflict.⁷²⁵ The incomprehension over the reasons behind the outbreak and continuance of war point to the complex motivation of each country. As mentioned before, the tendency towards hostility was partly driven by nationalist passions, the gradual militarisation and internationalisation of the conflict. Also, the Bolivian belief that its chances were favourable in a war against Paraguay played a part in the events of June 1932. However, the outbreak of war was different from earlier eruptions of hostilities: previous scuffles did not degenerate into a full-blown military encounter.

What explains the start of the Chaco War in 1932? A major reason for war can be found in the domestic politics of Bolivia. The volatility of world markets in the aftermath of 1929 had created a major economic crisis in the country, due to sudden decrease in exports of metals and the subsequent collapse of the mining industry. The Republican Party in power since 1931, led by Daniel Salamanca, was keen to shift the focus from economic and political troubles to the Chaco question. According to Herbert Klein, Salamanca and his Bolivian Government elaborated 'the most ambitious and expensive scheme for military penetration of the Chaco', marking a switch from a defensive to an offensive attitude.⁷²⁶ Hence, the hostilities in 1932 were not an accidental encounter between troops as had occurred before but rather part of a deliberate attempt to

⁷²⁴ A. M. De Quesada, Philip S. Jowett, and Ramiro Bujeiro, *The Chaco War 1932-35: South America's Greatest Modern Conflict* (Oxford: Osprey Publishing, 2011), 14.

⁷²⁵ Haring, "The Chaco Dispute," 178.

⁷²⁶ Klein, "Bolivia from the War of the Pacific to the Chaco War, 1880-1932," 581.

escalate 'a typical border incident into a full-scale war to the surprise of even the Paraguayans'.⁷²⁷ Salamanca ignored the advice of his military command and wagered a conflict in the hope that his belligerent position against Paraguay would deliver him strong national support. While Paraguay was at the time more concerned with the cost of economic depression and thus reluctant to respond to the Bolivian threat, the June attack on a Paraguayan fort was perceived as a provocation and could not be left unanswered.⁷²⁸

The international response to the initial June attack followed a similar pattern as with previous clashes, when the first initiative came from the American states. The Commission of Neutrals which was overseeing the negotiations for a non-aggression pact (started in 1931), tried to curtail the clashes near Lake Pitiantuta from developing into a war over the Chaco Boreal. Throughout the month of July, the commission advocated a policy of restraint and suggested to the governments of both sides to produce a report on the events that had occurred nearly two months earlier.⁷²⁹ The commission could not immediately respond to the resurgence of hostilities, as there was a delay in the receipt of news about the incident: neither Bolivia nor Paraguay had been willing to inform the outside world – likely out of fear to wreck the negotiations of the non-aggression pact.⁷³⁰ However, any attempt at reconciliation was now doomed, as the belligerents disagreed both on the conditions of a cessation of hostilities and the facts which had occurred in June. The reports that Bolivia and Paraguay had submitted to the Commission of Neutrals, presented contradictory statements, and offered no basis for agreement about the facts in order to proceed to arbitration. Rather than relying on the despatch of neutral investigators to the Chaco to establish the facts, the Commission of Neutrals was relying on a diplomatic process for reconciliation.

Subsequently, the Commission of Neutrals worked on a plan for the cessation of hostilities, which would bring both sides back to their positions before the June clashes. However, due to the

⁷²⁷ Klein, "Bolivia from the War of the Pacific to the Chaco War, 1880-1932," 584.

⁷²⁸ Lewis, "Paraguay from the War of the Triple Alliance to the Chaco War, 1870-1932," 497-498.

⁷²⁹ Kain, "The Chaco Dispute and the Peace System," 324.

⁷³⁰ Zook, *The Conduct of the Chaco War*, 73.

Bolivian Government's intransigence in accepting this original status, the commission adapted its initial plan and proposed a cessation of hostilities based on existing positions. This would effectively lock in the recent Bolivian advances, to the dismay of Paraguay. The vacillations in the proposals of the Commission of Neutrals were unacceptable for the Paraguayan Government, led by the recently elected Eusebio Ayala. The Paraguayan President preferred a plan for a demilitarised zone which would create additional security for Paraguayan outposts. By now, the Commission of Neutrals no longer had the appeal of impartiality to both belligerents.

The outbreak of the Chaco War in the following months was partly orchestrated by domestic politics, but the mistakes made by the American neutrals in the early weeks of the conflict had exacerbated the differences between the two sides and did not aid to diminish the hostilities. Time passed relentlessly, with Bolivia and Paraguay mobilising their populations for war. As Ronald Kain observed, 'the facts concerning the preliminary clashes at Lake [Pitiantuta] could undoubtedly have been ascertained within a few days had existing peace machinery provided for the immediate despatch of neutral investigators to the spot.'⁷³¹ However, the Commission of Neutrals failed to intervene immediately after the initial clash and afterwards opted for a strategy of diplomatic pressure rather than fact-finding on the ground. Perhaps, an inquiry into the June attack, detailing Bolivia's offensive attitude and the Paraguayan retaliation, could have exposed political decisions and provided the basis for international action. However, the Commission of Neutral's reconciliation plans were easily side-lined by power politics; each time the belligerents disputed the terms of reference of a future agreement.

By the autumn of 1932, the Chaco War was well under way, with repeated clashes between the belligerent armies. Paraguay still pursued a strategy of limited reprisals against Bolivian advances, for reasons of appearing as innocent before international observers. The Commission of Neutrals continued its efforts to bring about a cessation of hostilities, with new proposals that overturned the conditions of previous ones, and the suggestion of talks in Washington. These

⁷³¹ Kain, "The Chaco Dispute and the Peace System," 325.

repeated attempts at mediation did not dent the repeated clashes on the ground between the two armies. A final commission proposal was presented on 15 December 1932 but rejected by Paraguay because it left Bolivia in a more advantageous position. Although the commission had the support from the American states, its latest plan had floundered and the neutral states decided to leave the initiative to the neighbouring countries (Argentina, Brazil, Chile and Peru). During the first months of 1933, these states proceeded with their effort, which resulted in a conference in February and a proposal named the Act of Mendoza.⁷³²

The Act of Mendoza was a proposal drafted by the Foreign Ministers of Argentinian and Chile that envisioned a final cessation of hostilities and comprehensive arbitration with regard to the border dispute. This proposal largely reflected the Paraguayan view, although neither side was completely at ease with the proposal. Meanwhile, public pressure had mounted on President Ayala to ask the Paraguayan Congress to declare a state of war with Bolivia – a possible point of no return for the Mendoza Act. Neither of the two belligerents was eager to fully cooperate with the neighbouring countries, Paraguay had minor reservations whereas Bolivia showed no inclination to consider the Mendoza Act. Both were unwilling to give up the chance of military success by returning to the ex-ante territorial status. Bolivia resented the diplomatic pressure after its recent gains, while Paraguay wished to extend security guarantees for the Chaco Boreal in the hope of preserving a strategic advantage.⁷³³

Since 1928 and during the first phase of the conflict, the League of Nations had stood on the sideline of events, leaving the initiative to the Commission of Neutrals and finally the neighbouring states. The Council of the League had wished to avoid the 'duplication of jurisdictions' and supported the existing negotiations and the agreement for the Act of Mendoza in February 1933.⁷³⁴ What caused the Council to become directly involved in the Chaco crisis was the

⁷³² "Chapter II: The Chaco Dispute." *The American Journal of International Law* 28, no. 4, Supplement: Official Documents (October 1934): 155–77.

⁷³³ Zook, *The Conduct of the Chaco War*, 132–139.

⁷³⁴ *Dispute between Bolivia and Paraguay*, 5. In January 1933 the Council briefly considered to send a military commission to the region but the Neutrals considered this futile without prior agreement from the belligerents. *Chaco Dispute: Correspondence with the Neutral Commission*, R3613, LONA.

declaration of war by Paraguay, which took place on 10 May 1933. Shortly thereafter, Bolivia (and later Paraguay) appealed to the League and declared a desire to invoke Article 16 of the Covenant, which stipulated action to be taken in case a member had committed an act of war against another. The Committee of Three, instructed by the Council in 1928 to closely follow developments in the Chaco, had prepared a report for the members of the Council which suggested invoking Article 11 of the Covenant: this prescribed a milder procedure than Articles 15 and 16, leaving the League free to choose which action 'may be deemed wise and effectual to safeguard the peace of nations'.⁷³⁵

The Committee of Three proposal asked for the cessation of hostilities and the submission of the dispute to arbitration. The Committee of Three would commence negotiations in Geneva but suggested the despatch of an impartial commission, if it would fail to negotiate any arrangement for the cessation of hostilities. This impartial commission was suggested to be tasked with finding a permanent settlement, and upon the Council's request to make an inquiry into all aspects of the dispute. The Council formally adopted the committee's proposal (and the Chaco Commission's future mandate) on 20 May 1933. The machinations of peace had so far been slow, due to different international jurisdictions in relation to the conflict, but an official declaration of war by Paraguay was taken as a signal for the League to take the matters in its own hands.⁷³⁶

In practice, there were multiple grounds which facilitated the League's take-over of the initiative from both the American neutrals and the neighbouring states. The repeated failures of the American states to push for a breakthrough in the negotiations had created a sense of gloom with the neutral American states. In a letter to President Roosevelt, dated 9 June 1933, the US Secretary of State suggested it would be better that the Commission of Neutrals (including the US) withdraw from any new initiative and leave the Chaco 'entirely in the hands of the League of Nations'.⁷³⁷

The Secretary of State felt that the Latin American states were too deeply involved, and the United

⁷³⁵ "The Covenant of the League of Nations," Article 11.

⁷³⁶ *Dispute between Bolivia and Paraguay*, 5. *Chaco Dispute: Council Committee Reports*, 1-343-5324, R3616, LONA.

⁷³⁷ *The American Republics*, 1933, Volume 4, FRUS, 340-341.

States should seek to 'get out of the matter gracefully'. His desire for an American retreat was chiefly because of the perceived role played by Argentina, 'which is not a neutral and has openly supported Paraguay', and would not tolerate the success of the League's initiative: 'failure, therefore, of such efforts is almost assured.'⁷³⁸ Leaving the initiative to the League, despite the risk of failure, would at least save the United States from losing face.⁷³⁹

It is highly unlikely that the Council was aware of either the reasons of the US retreat (and the Neutrals) or the regional configuration and its deep political entanglements that underpinned the Chaco Boreal dispute. The resolution of 20 May makes no reference to the neighbouring countries in the procedure for the settlement. The League could, however, not remain a bystander: Secretary-General Drummond professed there was 'no alternative but to act in this matter'.⁷⁴⁰ The long duration of the conflict and the failure of all efforts did not bode well for the international peace machinery, and the League's reputation was on the line. Perhaps the organisation wished to recoup prestige after the Manchurian crisis, although there was no public mention of this in Geneva.⁷⁴¹ More recently, from late 1932 until early 1933, it had successfully mediated in the Leticia territorial dispute between Colombia and Peru, which resulted in a peacekeeping force observing the peace while territorial control was handed back. The final agreement of the Leticia dispute occurred in parallel with the Chaco Council resolution; it emboldened the League to take the lead in another Latin America dispute. However, due to its long history and many international interventions, the Chaco dispute was an infinitely more complicated task – almost of similar proportions to the Manchurian crisis.⁷⁴²

⁷³⁸ *The American Republics*, 1933, vol. 4, FRUS, 340-341.

⁷³⁹ It continued to follow the events from close-by, making the US diplomatic cables (collected in FRUS) a valuable source of information about the diplomatic entanglements and political contestations between the many political actors.

⁷⁴⁰ Quoted in a telegram from the Minister in Switzerland to the Secretary of State (18 May 1933): *The American Republics*, 1933, vol. 4, FRUS, 327.

⁷⁴¹ In the UNOG documents, a parallel is only drawn to Manchuria when it came to the legal question of the dispute. See: *Chaco Dispute: Time limit under articles 12 and 15 of the Covenant*, 1-343-13556, R3618, LONA.

⁷⁴² Bourneuf, "We Have Been Making History," 1-23. *Informacion Politica sobre Colombia y Peru. Conflictos de "El Chaco" y "Leticia"*, in papers related to the United States Government, (10)26 54/08324, Archivo General de la Administración (hereafter AGA).

The magnitude of the Chaco War was the first of several obstacles the League had to face. In its first decade of existence, the peacemakers in Geneva had settled a minor border dispute (Greece-Bulgaria) and successfully dealt with a few thorny territorial issues (Mosul, Åland Islands). However, these had often been disagreements of small member states, which accepted the League's authority and decisions through the application of the Covenant. Moreover, these disputes had shown little evidence of foreign entanglement – the risk of neighbouring and great power interests interfering with the peace-agenda. On the surface, Latin America's location in the Western hemisphere and the influence of Pan-Americanism made it seem peripheral to European affairs, yet, this overlooks the multifaceted demographic, economic and political ties that had formed over the previous decades and centuries. Because of colonial heritage and recent emigrations, Spain and Portugal had kept a close relationship with Latin America. Britain had its economic interests (investments in petroleum), whereas France was conscious of Latin America's political role, as a sizeable voting bloc in the League. In contrast, fascist Italy had fewer ties but increasingly sought overtures to the sub-continent, in an effort to raise its political profile abroad.⁷⁴³

A second obstacle had to do with the long history of negotiations, which had revealed certain imperfections of previous attempts. The Chaco dispute's historical origins and the gradual build-up of political tensions made a clear-cut and speedy resolution difficult to achieve. Also, the involvement of other Latin American states could either help or obstruct a League-led peace process. Certainly, regional interests were also bound to clash with any palpable role played by the European powers. In sum, the weight of diplomatic history made the manoeuvring space small from the start, as many formats and proposal had been tried and each of them had failed. The Bolivian and Paraguayan disagreements over the procedural order for a future dispute settlement and the area to be arbitrated were contributing to the diplomatic stasis.

⁷⁴³ Alan McPherson and Yannick Wehrli, eds. *Beyond Geopolitics: New Histories of Latin America at the League of Nations* (Albuquerque: University of New Mexico Press, 2015), 2. Duggan, "Latin America, the League, and the United States," 281-282. *Telegram: Dispute between Bolivia and Paraguay over the Chaco*, 4 November 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

Third, the League had only played a marginal role in the conflict and there disposed of limited knowledge about past negotiations and the facts on the ground. Expertise on the Chaco dispute was in short supply in Geneva: apart from the Committee of Three and the Political Section of the Secretariat, there were few clusters in the organisation closely studying events in Latin America. The remoteness of the scene also meant that the League had no representatives on the ground, which could have acted as direct observers to the unravelling military conflict. In other words, a detailed inquiry of the facts would have been a possible step for the League before it got closely involved in the matter. However, the Committee of Three reasoned differently: it primarily sought to safeguard the peace – as prescribed by Article 11 of the Covenant.⁷⁴⁴

The Committee's report and the Council resolution were characterised by a disposition towards a grand solution for the Chaco, that would consist of agreements bringing about an armistice and international arbitration by an independent authority, rather than a limited fact-finding mission. The resolution of 20 May stipulated multiple elements – an armistice, negotiations as well as general conciliation – without a specific chronological order: this was meant to give the commission more discretion 'in the light of the situation it will find on the spot and with a view to ensuring a rapid and permanent settlement of the dispute', although the decision-making power remained in the hands of the Council.⁷⁴⁵ Yet, the door was left open for a fact-finding mission, since the resolution foresaw an inquiry into all circumstances of the dispute 'at the Council's request', including the parts played by the two belligerent countries.⁷⁴⁶

The consequence of the Council's decision was that the Chaco Commission's mandate mixed up the idea of inquiry with conciliation – to find an agreement between the parties rather than simply to gather the facts of the dispute. The Chaco Commission was to take a more participatory role instead of one limited to fact-finding and observation: it was meant to speed up the cessation of

⁷⁴⁴ Also see the role of the Kellogg-Briand Pact which gave a moral justification to the renunciation of war. "Kellogg-Briand Pact," Avalon Project, accessed 12 November 2016, http://avalon.law.yale.edu/20th_century/kbpact.asp.

⁷⁴⁵ *Dispute between Bolivia and Paraguay*, 5.

⁷⁴⁶ *Ibid. Chaco Dispute: Committee of Three of the Council*, June-July 1933, 1-343-5223, R3615, LONA.

hostilities and act as an interlocutor between two parties.⁷⁴⁷ In this sense, the Council reproduced the diplomatic format that had been tried before by the American neutrals, however, this time with a composition chosen by the League. Inquiry was left in the background, as possible alternative if reconciliation would fail, but its status was unspecified ('at the Council's request') in relation to the other tasks. Could the Chaco Commission steer Bolivia and Paraguay towards a compromise but also retain its impartial character if an inquiry into events was required?

The Chaco Commission's ambiguous mandate was unclear as to the primary function of the Commission and the extent of its discretion; for this, it was also criticised by the Bolivian delegation. The Committee of Three met with the Bolivian representation on several occasions during June 1933, to clarify the Council's resolution and the function of the Commission. Bolivia expressed its doubts over the lack of a clear, chronological procedure and the duplication of conciliation efforts in Geneva and on the ground in Latin America.⁷⁴⁸ In comparison to other inquiries, including those analysed in the previous chapters, the Chaco Commission's mandate was distinct because it clearly favoured reconciliation over fact-finding. Perhaps this is because of the nature of disputes, where peace is the ultimate goal, although a similar reasoning was absent in the Manchurian dispute. Likely, the mandate was the League's attempt to take a more pro-active stance in another major regional dispute, in the hope to find a solution before the military status-quo would be overturned.

The composition

Given the attempt to reconcile the two parties, the composition of the Chaco Commission was of paramount importance to the fruitful completion of the tasks set out by the Council. By now, the League had gained some experience with the set-up of inquiries, after several political and other commissions in the 1920s and the Lytton Commission for Manchuria. In theory, the peace organisation could fall back on a learning curve of fact-finding and reconciliation which would

⁷⁴⁷ Perhaps this was in response to the Lytton Commission's lengthy fact-finding assignment, which did not preclude Japanese territorial expansion in Manchuria.

⁷⁴⁸ Minutes of Committee Meetings, 19 and 23 June 1933, from: *Chaco Dispute: Committee of Three of the Council*, R3615, LONA.

prove handy for a remote territorial dispute which had now evolved into a full-blown war.⁷⁴⁹ In practice, no task was ever the same, and assigning the right people to the commission would constitute a challenge for the Council. What personalities and professional backgrounds were required to act as a bridge between the two countries? After the May 20 resolution, it took several months until July before the selection process was finalised.

In a first stage, the Leagues Council instructed the Committee of Three to come up with a list of names for the Chaco Commission. The Committee of Three chose to invite only large member states, Great Britain, France, Spain, Italy and Mexico, to suggest a couple of suitable names. The reason for doing so is left unspecified, but most likely the committee (comprising Guatemala, Spain and the Irish Free State) wished to give representation to all major European powers – but also Mexico as an American neutral. Unlike earlier selections made by the Secretariat, a preference for small, neutral countries was abandoned in favour of political balance – a sign the League had become more conscious of major diplomatic interests. Based on the suggestions received from the countries, the Committee of Three made an initial selection of candidates. From correspondence with the Italian Foreign Ministry, it can be ascertained that the Committee of Three prepared the selection, but Council President Nájera designated the final composition. Five persons were officially chosen on 19 July 1933: Count Luigi Aldrovandi-Marescotti (Italy), Ambassador Dr Julio Álvarez del Vayo (Spain), Major Raul Rivera Flandes (Mexico), Brigadier General Alexander Robertson (British) and General Fagalde (France).⁷⁵⁰

The five men designated by the Council to constitute the Chaco Commission all had a long record of public service: either they were or been senior military officers (general and major) or they

⁷⁴⁹ Yet, the only reference made to the Lytton Commission is with regard to the legal procedure and expenditure. There is no indication of a blueprint or best practices followed by the League's Secretariat. *Chaco Commission: Expenses*, 1-5435-5740, R3635, LONA.

⁷⁵⁰ *Overview of the commission that will be established for the Chaco*, 19 July 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD. *Chaco Commission: Composition: Correspondence and other documents*, 1-5435-5435, R3635, LONA. *Álvarez del Vayo. Julio. Embajador de España*, in private papers of Dr Julio Álvarez del Vayo, (10)61 54/18450, AGA. Due to their diplomatic postings and personal writings, Álvarez del Vayo and Aldrovandi-Marescotti have produced most archival materials on the Chaco Commission. The inquiry is reconstructed with their documents as well as the League Secretariat files.

worked in diplomatic circles (as former ambassador) for their respective countries. The selection of diplomats and military officers reflected a two-fold aim: on the one hand, to gain an understanding of the operational dynamics and strategic aims of the Chaco War, on the other hand to have people that could work towards the reconciliation between Bolivia and Paraguay. With its choice for large-country representation, military-strategic knowledge and diplomatic experience, the committee had favoured a team that could focus on questions of war and peace, rather than to conduct a fact-finding mission. The absence of academics and persons with a private-sector professional background were indicative of the fact that scientific credentials and to some degree the impartiality of the Chaco Commission were of lesser importance. The inclusion of Count Aldrovandi, who had also taken part in the Lytton Commission, created continuity. However, the mandate and nature of the task turned out to be different.⁷⁵¹

The Chaco Commission was an international representative body. This meant that all its members, who had served for several decades as representatives of their respective countries, had to replace their national hat by a neutral one, albeit for a limited period of time. To what extent was it possible and feasible for a former ambassador or military commander to separate the national interest from the League's agenda? Since the commission was a time-limited body, commissioners were expected to return to their normal functions. Information gained on the assignment could be of diplomatic or economic significance, be used to further foreign policy objectives or the experience could be beneficial to a person's career. This tension was not unique to the Chaco Commission but perhaps exacerbated by the sensitive diplomatic nature of the assignment. Moreover, the political context of the mid-1930s also meant that political differences between countries were more outspoken and had ramifications for the dynamics of the Commission. For instance, how would a representative of fascist Italy (Aldrovandi) cooperate with a Spanish socialist (Álvarez del Vayo)? In short, the professional background, personal

⁷⁵¹ See chapter 5 on the inquiry for the Manchurian crisis.

experience as well as a combination of political views and national interests would have an impact on how smoothly the commission could operate on the ground.

The League designated a group of staff to support the commissioners with their ground work in Latin America. The reason behind this was the fact that few commissioners were acquainted with the (legal) methods and peace machinery of the League, as well as the history of the Chaco Boreal dispute. In the 19 July session, the Council President Nájera announced that the commission was to be accompanied by a political counsellor of the League's Secretariat, Henri Vigier (France), who had followed the developments in the Chaco region. In addition, two other counsellors were mentioned, Julian Noguiera (Uruguay) from the Information Section and Guillen-Monforte (Spain) from the ILO⁷⁵², as well as a female secretary named Olga Belloche (France). It was uncommon for women to be selected to participate in League inquiries, but Belloche was a shorthand typist working for the Political Section and therefore chosen to accompany the commission. These appointments would aid the commissioners with the organisation of the travel to and within Latin America, as well as provide support during the execution of the inquiry. The legal and institutional expertise brought with the Commission could be decisive, as the counsellors generally drafted proposals and advised the commissioners on which type of legal mechanisms could be used in the case of a dispute.⁷⁵³

By the end of July 1933, the selection of the team was completed, and it appeared the commission was ready to depart for Latin America.⁷⁵⁴ However, early August news arrived that took the League by surprise: the neighbouring countries would undertake one last attempt to end the hostilities and prepare an arbitration agreement. The Council saw no other option but to

⁷⁵² *Chaco Commission: Services of Mr Guillen Monforte, functionary of the ILO*, 1-5435-5908, R3635, LONA.

⁷⁵³ For instance, Henri Vigier would play an important role in the drafting of the report. *Letter from Joseph Avenol to Count Aldrovandi*, 11 October 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD. *Chaco Commission: Composition: Correspondence and other documents*, R3635, LONA.

⁷⁵⁴ Count Aldrovandi had travelled to Geneva to meet the Political Section and discuss the case, possibly with an eye on becoming the Commission's chairman. See: *Chaco Commission: Services of an Italian Member Count Aldrovandi*, 1-5435-5723, R3635, LONA. Meanwhile, Álvarez del Vayo had the opportunity to meet Major Rivera Flandes in New York. See: *Chaco Commission: Services of the Spanish member, Álvarez del Vayo*, 1-5435-5467, R3635, LONA.

temporarily postpone the commission's despatch, even though a delay could put the participation of some members in jeopardy. Both Secretariat files and the diplomatic documents of Count Aldrovandi provide evidence of the exasperation arising from the decision of the neighbouring states: the League was left 'in the dark' by the neighbouring states but Frank Walters, head of the Political Section, tried to reassure the Italian member about the future departure of the Chaco Commission.⁷⁵⁵ The League was eager to keep the plan of a commission on the table, yet it had grown frustrated about the lack of consultation of the neighbouring states.⁷⁵⁶ The League had tried to steer the actions of Argentina, Brazil, Chile, and Peru via its Council resolutions but in practice could do little more than wait for the outcome of the new negotiations. This was a striking example of the fraught and politicised relationship between the League and the American states, unable to agree which agency had the final authority over the conflict. Strategic delay had also characterised the Manchurian inquiry – although this time it served neighbouring interests rather than the European powers.

The latest peace attempt by the neighbouring countries took several months but no significant gains were made. The initiative was abandoned by October 1933, because Bolivia and Paraguay had failed to reach consensus on a chosen approach to end hostilities and delimit the Chaco Boreal zone for future arbitration.⁷⁵⁷ Once again, the initiative shifted to the League of Nations, and preparations were made for a quick despatch of the Chaco Commission. In the meantime, General Fagalde of France had withdrawn and was to be replaced by a man of similar experience: Henri Freydenberg, a divisional general of the French army. The final composition of the commission made no longer mention of an extensive support staff (including a shorthand typist), apart from Henri Vigier of the Political Section. The commission would work on the ground aided by a small team composed of Vigier and Dr Juan A. Buerro, acting as a secretary and judicial counsellor. In a

⁷⁵⁵ *Letter from Frank Walters to Council President Nájera*, 25 August 1933, 1-5435-5941, R3635, LONA. *Letter of the Prefecture of Bologna to Count Luigi Aldrovandi*, 3 October 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 22, ASD.

⁷⁵⁶ This is suggested in a letter from the Consul at Geneva (Gilbert) to the Secretary of State (August 4, 1933), from: *The American Republics*, 1933, vol. 4, FRUS, 351.

⁷⁵⁷ Zook, *The Conduct of the Chaco War*, 170.

previous career, Buerro had served as Minister of Foreign Affairs in Uruguay and knew the intricacies of Latin American politics well.⁷⁵⁸

The European commissioners left for Latin America on the 18 October 1933 and would arrive two weeks later in Rio de Janeiro. What reasons did they have to participate in a complex undertaking, which had already been delayed and was bound to be troublesome due to the precarious relationship with the neighbouring countries? In his memoirs, Álvarez del Vayo briefly elucidated his personal reasons to take the assignment: after a period serving as Spanish ambassador in Mexico he perceived the work for the League as a useful escape from ‘new Rightists [sic] government in Spain’.⁷⁵⁹ Álvarez del Vayo was a socialist who resented the monarchy and its right-wing supporters. The extended visit to Bolivia and Paraguay would also allow him to learn more about Latin America and its civilisational ties to Europe. Álvarez del Vayo added that he thought it important that ‘Spain should participate in the effort to re-establish peace between two countries of her own blood’, revealing a wish for peace as well as a distinct Spanish interest in the former colonial empire.⁷⁶⁰ Count Aldrovandi gave no explicit motivation for his participation in the commission. In a telegram sent to the Foreign Ministry he revealed that the work for the League ‘regretfully’ postponed his next assignment as ambassador, although he wished to contribute to the commission’s difficult task.⁷⁶¹

While not all members of the commission have left traces of their intricate motivation behind, one may gather from the two examples that the participants believed something could be gained from this episode, either personal or professional, and would influence their future career paths. Serving for several months on the Chaco Commission could be a transformational experience. But would all career calculations rhyme with the task’s requirements? The resolution of the Chaco dispute may not have been the only concern of each commissioner.

⁷⁵⁸ *Letter from Joseph Avenol to Count Aldrovandi*, Busta 24, ASD.

⁷⁵⁹ Julio Álvarez del Vayo, *The last optimist* (London: Putnam, 1950), 241.

⁷⁶⁰ *Ibid.*

⁷⁶¹ *Telegram: Dispute between Bolivia and Paraguay over the Chaco*, Busta 24, ASD.

The inquiry

The work of the Chaco Commission lasted from early November 1933, when it was officially established in Montevideo⁷⁶², until the beginning of May 1934, when a final report was submitted to the Council of the League of Nations. The commission's activities in large part consisted of travel around several Latin American countries, to speak to the representatives of the two belligerent countries and to consult with the neighbouring states on the best procedure forward. Both Bolivia and Paraguay assigned an assessor to the commission, which helped to clarify the positions of each country and keep track of commissioners' movements. Just before the official start, the commissioners had met with the Foreign Minister of Brazil, to learn more about the obstacles which previous mediators had faced. In the following months, the visits to Asunción and La Paz would be alternated with talks to representatives of Argentina, Brazil, Chile, and Peru. The commission had travelled first to Paraguay in November, because of an early invitation by Paraguayan President Ayala. In December, the Chaco Commission ventured into Bolivia, to speak to the Bolivian President Salamanca. In large part, the group of commissioners relied on talks with high-level elected officials, such as the President and Foreign Affairs Minister, to ascertain each country's views and red lines regarding the Chaco dispute.

To recall, the crux of the disagreement had hitherto revolved around Paraguay's desire for adequate security guarantees before a limited form of arbitration, whereas Bolivia favoured the arbitration of the entire Chaco Boreal in parallel to a cessation of hostilities (i.e. one could not precede the other). The commissioners combined high-level meetings with an occasional visit to the front-line, where the military members of the team could ascertain the logistical proceedings of the conflict. The commission was unable to visit the entirety of the Chaco Boreal, and focused on the front-line and the places where Bolivia could potentially gain access to the Rio Paraguay. For most of these on-the-ground visits, especially those pertaining to military and geographical aspects, one or two commissioners would take responsibility of the task. The commission also

⁷⁶² *Cuestion Chaco*, in the papers of Embajada Montevideo, (10)89 54/10082, AGA.

experimented with simultaneous negotiations in both capitals, thus dividing the team in two, to sustain diplomatic pressure and manoeuvre room for a compromise.⁷⁶³

The Chaco Commission presented a first proposal to both sides on 12 December 1933, which presented a number of security guarantees as well as a draft agreement for arbitration of the Chaco Boreal. Two major events marked the weeks around the presentation of the proposal. One was the Pan-American Conference (3-26 December) which took place in Montevideo, to which the commission was officially invited. This Conference of American states closely followed the work the League's commissioners; the conference provided a platform to bring representatives of Bolivia and Paraguay around the same table to discuss the draft proposal. A second event was the armistice in late December 1933, after a series of Paraguayan military gains, which created the opportunity to extend the temporary cessation of hostilities and create the time for undisturbed discussions. After the Pan-American Conference, the commission continued its work, by sending a smaller delegation to Asunción to persuade the Paraguayan Government to extend the peace. The commissioners achieved a temporary extension of the armistice until 6 January 1934 but made no progress with the negotiation based on its draft proposal.

The Chaco War officially resumed after the elapse of the armistice, which compelled the commission to inform the Council and await new instructions. On 20 January 1934, the Council extended the commission's mandate, asking it to study all aspects of the problem and do whatever it takes to end the hostilities, which led to a new round of contacts with the belligerent countries.⁷⁶⁴ At this stage of the Chaco War, the belligerents had reached stale-mate and were unable to make major territorial gains. A second, slightly amended peace proposal was finally presented in February 1934. When both sides rejected the new proposal, the commission decided its task could not be continued and planned for a return to Europe. The commission's secretary

⁷⁶³ *Dispute between Bolivia and Paraguay*, 6-11. *Chaco Dispute: Council Committee Reports*, R3616, LONA.

⁷⁶⁴ "Report of the Committee of Three: Council Meeting held on 20 January 1934." *League of Nations Official Journal* 15 (February 1934): 242-250.

Buerro was instructed to stay behind and report on any new events, while the commissioners met in Geneva to prepare a final report for the Council.⁷⁶⁵

The facts of the laborious work of the Chaco Commission over the span of six months are briefly presented here in a chronological order to facilitate an elaboration of some of the themes which emerge, the practices pursued by the commissioners, the intricacies of the assignment and the variety of factors that influenced the outcome of the inquiry. The May 1934 report of the Chaco Commission presents a more detailed overview of the same chronology. The focus in this section will be on the aspects outlined in the introduction, namely the internal dynamics that go beyond its formal characteristics, as well as the constraints imposed by the tense political environment. The following paragraphs will address the following topics: the role of personalities, the diplomatic context and the character of inquiry, the external factors that influenced and inhibited the work of the commission, and the final report as a reflection of the commission's choices, practices, and limitations on the ground.

A tale of two rivals

The work of the Chaco Commission was just underway when the first obstacle emerged in the form of the chairman election. In the first meeting, which took place in Montevideo in early November 1933, the commissioners had to choose among them one person who could take up the chairmanship of the commission. Although this was a common practice for League commissions, the election process was often complicated: the most experienced candidate would not necessarily stand the best chance, as political calculations and national interest could gain the upper hand. This was the case with the Chaco Commission.

From the chosen commissioners, Count Aldrovandi was the most senior diplomat. He had participated in the Paris Peace Conference and had held several positions as ambassador in the previous years. His closest rival for the position, Álvarez del Vayo, was younger and relatively

⁷⁶⁵ *Dispute between Bolivia and Paraguay*, 6-11. *Chaco Dispute: Committee of Three Proceedings*, R3613, LONA. *Telegram from Joseph Avenol to Juan Buerro*, 14 March 1934, 1-5435-7455, R3636, LONA.

inexperienced in comparison. In an Italian press article, it was suggested that the chairmanship was most likely be 'entrusted to the representative of Italy'.⁷⁶⁶ However, the rather straightforward issue of seniority does not take any political context into account. As Álvarez del Vayo notes in his memoirs 'Mussolini's advent to power Italy had embarked on a policy of enhancing her influence in Latin America and wanted at any cost to have that post. England and France were determined that Italy should not have it.'⁷⁶⁷ In the election of chairman, the Spanish representative gained support of the French, British and Mexican representatives, receiving enough votes to claim the chairmanship. For Aldrovandi, this meant a reputational blow, which haunted him for the duration of the task. He thought the Spanish representative in a capacity of chairman was a 'very unhappy' choice, because he was a man 'devoid of sympathy' – a quality Aldrovandi considered as a requirement to negotiate an agreement.'⁷⁶⁸

Indeed, chairman Álvarez del Vayo showed little sympathy, most of all for his Italian colleague. The Spanish commissioner believed that the lost election would turn the Italian into an obstacle for the Chaco Commission's work: 'Aldrovandi remained, assuming an elegant and disdainful attitude toward the commission and its work.'⁷⁶⁹ Influenced by the lost election, Aldrovandi would display a negative bias towards most of his colleagues in his personal writings. The Italian diplomat described his rival Álvarez del Vayo in terms of deficiencies when it came to his personality and manner.⁷⁷⁰ Nevertheless, there is little evidence that suggests deliberate sabotage of the commission's assignment. Throughout the commission's work, Aldrovandi showed dedication to the cause: he raised suggestions to break moments of gridlock, questioned

⁷⁶⁶ *Press clippings from Italian newspapers*, July 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 22, ASD.

⁷⁶⁷ Álvarez del Vayo, *The last optimist*, 243.

⁷⁶⁸ *Telegram: Dispute between Bolivia and Paraguay over the Chaco*, Busta 24, ASD.

⁷⁶⁹ Álvarez del Vayo, *The last optimist*, 243.

⁷⁷⁰ Count Aldrovandi describes him as a 'morgue', a haughty personality and a second rank countryman, from: *Telegram: Dispute between Bolivia and Paraguay over the Chaco*, Busta 24, ASD. He also makes mention of Álvarez del Vayo in other contexts, see: *Report from a meeting with President Ayala*, 20 November 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

undertakings which would have no desirable effect, and favoured a continued study of the conflict.⁷⁷¹

Apart from the personal rivalry between Álvarez del Vayo and Aldrovandi, other dynamics were at play. For instance, Aldrovandi pursued detailed correspondence with the Italian Foreign Ministry, which continued throughout the assignment. Aldrovandi perceived his representative role not just as one for the League but also for Italy. As a diplomat, he considered how Italian interests could be advanced in Latin America and to what extent the Chaco Commission could help to achieve this goal. Aldrovandi aimed for collaboration with his British colleague, as ‘the traditional Italian-British friendship, most recently confirmed and strengthened, could be taken care of and developed at a later stage.’⁷⁷² From time to time, Italian interests surfaced in discussions: for instance, Aldrovandi wondered whether Italy and England should have ‘observers [at the Pan-American Conference] in Montevideo’.⁷⁷³

There is no evidence that Álvarez del Vayo engaged in similar terms the Spanish Foreign Ministry. Rather, the Spanish Foreign Ministry relied upon its Latin American legations to provide news on the commission’s work.⁷⁷⁴ It is rather unlikely that Aldrovandi’s continued correspondence with his Foreign Ministry had a significant impact on the work of the Chaco Commission. Yet, it counteracted the principle that commissioners were acting as representatives for the League. Moreover, Álvarez del Vayo had asked for total secrecy – which therefore was not upheld in practice.⁷⁷⁵ Aldrovandi’s approach signifies the careful balance he had to uphold as a diplomatic of his country – furthering national interests – which perhaps created tensions with his colleagues.

⁷⁷¹ *Minutes of Meeting of the Chaco Commission*, 22 February 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

⁷⁷² *Telegram: Dispute between Bolivia and Paraguay over the Chaco*, 4 November 1933, Busta 24, ASD.

⁷⁷³ *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 7 December 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

⁷⁷⁴ *Ordenes Ministerio de Estado 1933-34*, in the papers of Embajada Asuncion, (10)70 54/12027, AGA.

⁷⁷⁵ *Revision of the Report of the Chaco Commission*, 5 May 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

The Secretariat files suggest that the League was kept in the dark regarding the internal dynamics of the Chaco Commission. The personal writings of Álvarez del Vayo and Aldrovandi, however, paint a picture of a distinct rivalry. The feud between the two commissioners over the chairmanship was exacerbated by growing factionalism within the commission. Álvarez del Vayo had befriended his French colleague Freydenberg – both united in their antipathy towards Aldrovandi.⁷⁷⁶ From the minutes of meetings and Aldrovandi's diplomatic cables it can be ascertained that the chairman often relied upon his French colleague Freydenberg and occasionally the League's counsellor Henri Vigier to push through proposals. For example, the commission disagreed over the importance of the armistice that was in place since December 1933. Álvarez del Vayo and Freydenberg were eager to steer the commission towards the formulation of a peace plan – rather than to focus on the armistice as a point of departure for renewed negotiations. Aldrovandi and his British colleague Roberts had reasoned in favour of an extended armistice – but failed to persuade the rest of the commission. As a consequence, the commission let the armistice expire without any final action.⁷⁷⁷

Did the Chaco Commission do everything possible to uphold the peace between Bolivia and Paraguay, perhaps the most important of their tasks as identified by the Council? After the armistice lapsed, a couple of days later, the calls within the commission to report to the Council and terminate the assignment grew louder, even though no tangible result had been achieved. Throughout this period, Aldrovandi had demonstrated strong willingness to continue the commission's work and extend the period of negotiations and inquiry.⁷⁷⁸ Yet, in his role as counterweight to the chairman, the Italian diplomat stood little chance to alter the odds. A less

⁷⁷⁶ Álvarez del Vayo, *The last optimist*, 243-244.

⁷⁷⁷ *Minutes of Meeting of the Chaco Commission*, 4 January 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD. *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 14 January 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD. *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 7 March 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

⁷⁷⁸ *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 7 January 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD. *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 11 January 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD. *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 14 January 1934, Busta 24, ASD.

hostile personal environment would have been more fruitful for an open discussion about the different paths the commission could take. In reality, a non-cooperative spirit took hold and commissioners kept to themselves.

Agency played an important role: Álvarez del Vayo and Freydenberg had persuaded the Chaco Commission to focus their energies on a peace plan. What may have motivated them to give up the idea of an armistice, that would have reopened the prospect of negotiations? In his memoirs, Álvarez del Vayo alluded to the impossibility of reaching a settlement: 'It was hopeless to attempt to negotiate peace if the governments became pacific only when they faced defeat and belligerent whenever they won a battle.'⁷⁷⁹ While this was a significant factor that drove the Spanish commissioner towards a conclusion of the assignment – in the form of a proposed agreement to restore the peace – other reasons were at work.

First, a contributing factor was the desire to return home and resume professional activities. Álvarez del Vayo was recently elected and wished to take up his seat in the Spanish Parliament. Likewise, Henri Freydenberg expected a promotion upon his return, and Juan Buerro was promised an ambassadorship to Buenos Aires.⁷⁸⁰ In other words, several commissioners had started reflecting about the aftermath of their temporary assignment – which made the continued stay in Latin America seem more of a nuisance than honour.

Second, it was also the nature of the conflict which led Álvarez del Vayo to believe that continued negotiations would be to no avail. The Spanish commissioner perceived the Chaco War chiefly through an economic lens, i.e. the dispute between Bolivia and Paraguay was being fought over the presence of oil in the ground. In his analysis, Álvarez del Vayo considered that most Latin American border disputes in recent years (for example, Leticia) were sparked by foreign agents, such as Standard Oil. He was sceptical about the prospect of a solution for each individual conflict and would rather emphasise the possibility of an economic conference to settle all resource-

⁷⁷⁹ Álvarez del Vayo, *The last optimist*, 256.

⁷⁸⁰ *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 4 January 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

related disagreements. However, this offered no immediate prospect for a resolution of the dispute.⁷⁸¹

The Chaco Commission was not exceptional compared to other commissions, in being inhibited by personality clashes as well as the time-limited nature of the assignment. However, the Council mandate and appointment process had created additional tensions, insofar that reconciliation was more important than truth seeking, and national interests prevailed over subject expertise. Personal agency on the commission decisively shifted the interpretation of the mandate towards the formulation of a peace plan that stood no chance of success. All things considered, it turned the Chaco Commission into an exercise of international diplomacy, instead of a fact-finding body, with internal dysfunction as the result.

All what it takes

Doubtless, the fraught relations within the Chaco Commission had an impact on the body's functioning during its assignment. Nevertheless, personal tensions were exacerbated by the conditions in which the commissioners had to operate, namely the ambiguity created by the Council's mandate and myriad interpretations the commission could give to it – which in turn would determine the working methods on the ground. As mentioned before, the Council of the League of Nations had suggested both a participatory and observatory role, which allowed for direct negotiations but could be expanded into an inquiry – if the Council so desired.⁷⁸² While the cessation of hostilities was arguably the primary task of the commission, a variety of approaches could be pursued to achieve this outcome. The commission could identify the views on both sides, start direct negotiations or gather the relevant facts from both sides which in turn could inform the Council about a future decision-making process. In case a permanent settlement could not be achieved, the Council had the discretion to ask the commission to perform a comprehensive

⁷⁸¹ *Minutes of Meeting of the Chaco Commission*, 13 February 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD. *Cartas enviadas y recibidas de Julio Álvarez del Vayo*, in private papers of Dr Julio Álvarez del Vayo, (10)61 54/18317, AGA.

⁷⁸² *Chaco Dispute: Preparation report of 72nd Session of the Council*, R3615, LONA.

inquiry into all aspects of the dispute – including the question of responsibility for the break-out of the war.

The trouble in interpreting the Council's broad mandate found its reflection in the discussions between the commissioners: they extensively debated the aims of the task and the means to fulfil them. In December 1933, after initial meetings with Bolivia and Paraguay, chairman Álvarez del Vayo set out a three-step strategy: first, to attempt at transactional deal through negotiations. In case of failure, the second option consisted of an arbitration plan (i.e. submission of the dispute to The Hague's Permanent Court of International Justice), and if this would not materialise a final option would be a report that presented the commission's work, the main facts of the dispute, although leaving out the question of responsibility. This question was seen by Álvarez del Vayo as too sensitive – following discussions with the belligerent countries and representatives of the neighbouring states – because it risked turning the peace-process into an argument of which army carried out what actions.⁷⁸³

Álvarez del Vayo's three-step strategy was conventional in the sense that it followed the pattern of negotiations pursued by the American neutrals and neighbouring countries. No new elements were offered in the plan to reconcile and bridge the differences: it assumed under the present conditions a compromise could be found between Bolivia and Paraguay. This, however, was a misreading of the nationalist fervour that had taken hold in both countries and the fundamental differences of views regarding the security context (i.e. guarantees sought by Paraguay) and the future arbitration plan (i.e. a limited rather than comprehensive agreement for Bolivia).⁷⁸⁴ The chairman's strategy contained no immediate way to overcome these demands. The Chaco Commission started its assignment with optimism and was lauded for its initial efforts. Yet, the

⁷⁸³ *Minutes of Meeting of the Chaco Commission*, 9 December 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

⁷⁸⁴ For example, Paraguayan President Ayala had quickly rejected any attempt for a transaction, as this method 'had been tried for a very long time.' From: *Report from a meeting with President Ayala*, 19 November 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

rejection of an initial proposal in December 1933 tempered the expectations and turned Álvarez del Vayo pessimistic about the future.⁷⁸⁵

The Chaco Commission's communication with the League's Council and the latter's new instructions were meant to break the deadlock which had arisen by January 1934. The Council communication sent out on 20 January did not alter the mandate; it simply suggested to the commission to do whatever it takes to end the conflict. Although it was left open in the original mandate, now the Council stated in clearer terms that a 'study of all the aspects of the problem and the practical possibilities of a solution' was requested.⁷⁸⁶ Arguably, this restored the function of inquiry for the commission – in practice, it added to the complexity of the assignment. From now on, it was presupposed that the commission should pursue both reconciliation and inquiry – despite the inherent tension between these participatory and observatory roles. Nevertheless, as the previous section explained, Álvarez del Vayo and Freydenberg had settled already on the idea of a peace plan that would be acceptable to both sides.⁷⁸⁷ Even though such an initial peace proposal had been rejected in December, the commission stuck to its approach. A political compromise including an arbitration agreement was difficult to achieve, without pressuring the two belligerent countries into acceptance. Yet, the commission showed neither a strong inclination towards a radically different type of negotiation, nor an aptitude for inquiry.⁷⁸⁸

The Chaco Commission's attitude towards inquiry is best exemplified when looking at the discussions of the question of responsibility – actions of Bolivia and Paraguay which had triggered military altercations. The Council had indicated that a failure to achieve a lasting armistice did not preclude an investigation into the origins of the dispute – and potentially designate

⁷⁸⁵ *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 11 December 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

⁷⁸⁶ "Report of the Committee of Three: Council Meeting held on 20 January 1934," 242-250. *Chaco Dispute: Committee of Three Proceedings*, R3616, LONA.

⁷⁸⁷ The chairman instructed political counsellor Henri Vigier to prepare draft proposals for a peace plan, which formed the basis of discussions during the spring of 1934.

⁷⁸⁸ Only Count Aldrovandi seemed to have expressed some displeasure with this approach, on the basis of the minutes of meetings and his personal notes. However, absent strong objections of other commissioners, it was never challenged. See: *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 7 December 1933, Busta 24, ASD.

responsibility for unjustified aggression. Originally, fact-finding was meant as a back-up plan and up until January 1934 it was still a matter of discussion for the commission. However, two months later it became clear there would be no detailed inquiry, nor a concrete investigation into responsibility. In a telegram dated 14 March 1934, Italian representative Aldrovandi confirmed that there was ‘no talk at all’ about an inquiry and the responsibility question.⁷⁸⁹ Henri Vigier, who was put in charge of drafting the peace proposal, had prepared a document which ‘concluded on the inappropriateness of the investigation into aggression’, reflecting the wish of the ‘majority of the Commission’ to depart from Latin America.⁷⁹⁰ Aldrovandi ‘concluded that those had to be the instructions from Geneva’, although nothing in the Secretariat’s correspondence suggests this was the case.⁷⁹¹ Rather, the Council had supported the idea of an inquiry – in case no conciliation between the two countries was found. The League Secretariat had no premonition about the commission’s desire to depart, of which it was informed by mid-March 1934.⁷⁹²

Why was this episode key to the overall undertaking? It showed that the Chaco Commission’s primary concern had been and continued to be about the reconciliation between the two parties, instead of a fact-finding investigation. This was partly a matter of principle: in Álvarez del Vayo’s correspondence before the assignment, he clearly believed that the commission’s work was a matter of ‘arbitration of the conflict’ between the two republics.⁷⁹³ Eventually, this became and remained the prevailing view among the commissioners – despite the Council’s overture towards inquiry in January 1934. For another part, it was a pragmatic outcome as the majority of commissioners had grown weary of their assignment and were pleased to return the initiative to the League’s Council.

⁷⁸⁹ *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 14 March 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

⁷⁹⁰ Quote from Vigier: *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 12 March 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD. Quote regarding the desire to leave: *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 13 March 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

⁷⁹¹ *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 14 March 1934, Busta 24, ASD.

⁷⁹² *Note to the Secretary-General*, 15 March 1934, 1-5435-7455, R3636, LONA.

⁷⁹³ *Álvarez del Vayo. Julio. Embajador de España*, (10)61 54/18450, AGA.

Could a detailed inquiry, including the question of responsibility, have made a significant difference? By the spring of 1934 it was clear that no prospect of reconciliation existed, and other means of dispute settlement had to be sought. Of the commission, most notably Álvarez del Vayo was persuaded that an inquiry into responsibility could further damage the relations between the two countries, in case they had to make attributions of guilt. Instead, he wanted a balanced approach that evaded any thorny issues, to enable a future reconciliation between Bolivia and Paraguay. Álvarez del Vayo felt this would create an 'impression of total impartiality' with regard to the two countries; however, in his desire not to favour one country over the other, he turned the principle of impartial fact-finding into a diplomatic balancing act.⁷⁹⁴

An inquiry could have taken different forms: either as an overview that established the most important facts and events of the dispute or a detailed exposé that could shed light on the preconditions and actions that provoked a military confrontation – such as the political and military decisions taken by the leaders of both countries. Although an inquiry could have highlighted responsibility, by no means was it tasked to render a judgement, designate an aggressor or take any political decisions. Although it was expected to give each side a fair hearing, an impartial inquiry was not predestined to be balanced in its observations, if the facts of the Chaco dispute revealed major discrepancies in actions between the two countries (for example, the Bolivian turn towards an offensive strategy in the early 1930s). The misreading of the assignment meant that inquiry as a form of truth seeking was never given a fair chance by the majority of the commissioners.

Aldrovandi's papers evoke his role as favourable to the inquiry-approach – likely driven by his rivalry with Álvarez del Vayo. Yet, the Italian commissioner had previous experience working on a League inquiry – his views therefore are relevant to understand the wider context. In his writings, Aldrovandi compared the Chaco case with the Manchurian crisis from a couple of years before: 'the task of [the Chaco] Commission was much more difficult. It was more extensive than

⁷⁹⁴ Álvarez del Vayo, *The last optimist*, 258. *Minutes of Meeting of the Chaco Commission*, 26 April 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

that of the Commission for Manchuria.’ Despite the challenges presented by the situation, he felt that the chairman had made a mistake to focus on reconciliation. He believed that a ‘collective body’ as the Chaco Commission was more suitable for an investigation, because its membership gave ‘plurality and greater guarantee of impartiality. When I worked on the Manchurian Commission, we arrived at a conclusive judgment about the attacker’.⁷⁹⁵ Aldrovandi arguably ignored the different views and compromises that characterised the Lytton Commission’s work, but he identified the fact that there was a stronger adherence to the fact-finding nature of assignment, or ‘the merit or the courage to present to the League the elements to assert its authority and render any possible sanctions.’⁷⁹⁶ The Lytton Commission had arrived at an unambiguous view of the events that had transpired in Manchuria, which helped the Council (and Assembly) to reflect on a satisfactory decision rather than seek another round of negotiations. Such a view seems less attainable in the case of the Chaco Commission, which only prepared to report on the failure of its negotiations.

From red lines to institutional rivalry

The personal rivalry between Álvarez del Vayo and Count Aldrovandi, the Council’s broad and changing mandate as well as the departure from the inquiry-format, in favour of reconciliation, were major characteristics of the Chaco Commission. Personal agency was conducive to the troubles encountered during the assignment. Even if the internal commission and League dynamics had lent themselves to a more cooperative and inquisitorial approach, the Latin American political context and geographical environment created additional obstacles. Political contestation was not only rife within the Chaco Commission but also at a domestic level between Bolivia and Paraguay, and at the international level between the American states and the League of Nations, a sign of the power politics and hierarchies that constituted the inter-war imperial internationalist system.

⁷⁹⁵ *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 14 March 1934, Busta 24, ASD.

⁷⁹⁶ *Ibid.*

First, the long history of the Chaco dispute gives weight to the fact that the two belligerent countries were skilful at the avoidance of compromise. They had mastered the politics of postponed negotiations and aborted agreements. They took positions, drew out red lines which allowed no room for negotiations. Given that both sides had contradictory conditions and did not agree on the zone to be arbitrated, no immediate compromise was possible. In fact, the two countries assumed the rightful ownership over the entire Chaco Boreal (in the words of the Paraguayan President, 'to colonise the Chaco'), rather than claiming a division.⁷⁹⁷ They reverted their policies or offended their counterpart when it suited them, to make any agreement impossible.⁷⁹⁸ At one point, Frank Walters complained of the 'violent' language employed by both countries in their private and public correspondence with the League.⁷⁹⁹ In this diplomatic stalemate, the only 'resolution' was through military advances. Hence, for Bolivia and Paraguay war held the prospect of total victory while negotiations could only lead to compromise. Peace would only be decided when the financial cost became intolerable or all military options were exhausted.

Second, the duplication of initiatives created an institutional rivalry which hindered rather than strengthened the international system. The neighbouring states obstructed the despatch of the Chaco Commission, which postponed the start of the task with several months. During the Pan-American Conference of December 1933, Uruguay tried to come up with its own solution to the problem – despite the ongoing work of the commission.⁸⁰⁰ The duplication of initiatives created confusion and gave the belligerents the excuse to doubt the League's authority or resort to a different platform for negotiation. The US Government closely followed the proceedings, despite its self-professed disinterest, and was keen to underline the success of the Pan-American Conference in the lead up to the armistice, even though this had little to do with the temporary

⁷⁹⁷ *Report from a meeting with President Ayala*, 19 November 1933, Busta 24, ASD.

⁷⁹⁸ For example: 'Paraguay entirely changed its traditional policy of submitting to arbitration the whole question of the Chaco; it did not keep its promises.' From: *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 27 December 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

⁷⁹⁹ *Chaco Dispute: Publicity for documentation furnished by the representatives*, 1-343-9842, R3616, LONA.

⁸⁰⁰ *Telegram: Dispute between Bolivia and Paraguay over the Chaco*, 10 November 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

halt to hostilities.⁸⁰¹ Moreover, the behaviour of the neighbouring countries was questionable at most. In his memoirs, Álvarez del Vayo noted that 'Argentina had attempted the simultaneous exploitation of both disputing countries' whereas the Secretariat mentioned 'continued Brazilian intervention'.⁸⁰²

Hierarchies and the desire to obtain greater control in the region mattered a great deal: regional powers were reluctant to see an end to the dispute and the League's commission achieving success in bringing about a peace agreement. The rivalry was exacerbated by the fact that the Chaco Commission was operating far away from Geneva. The League had no proper diplomatic representation in the region, communication with its commission was irregular, and it had no executive arm to offer immediate guidance in case of difficulties. In comparison, the American states had extensive diplomatic representation in the region and were more aware of what was happening in Asunción and La Paz.⁸⁰³ With the Council being remote and a perceived limited authority in the region, the Chaco Commission was left to its own devices to find a suitable approach. All that was left were the facts and the truth, but most commissioners thought it wiser to stick to reconciliation efforts.

Political contestation for power encapsulated all levels of decision-making and influenced the Chaco Commission's work on the ground. Yet, some of the challenges also had to do with the nature of the work. The commissioners spent half a year away from home, on an intensive assignment which required meetings with government officials and visits to Chaco Boreal – known for its uninhabited character. The commission was subjected to taxing weather conditions, including the high altitude during its visits to La Paz. Sustained travel in the same group made the assignment more difficult to tolerate. Although a division of labour and the conduct of private meetings created time for recreation, the commission virtually spent half a year on the job. The

⁸⁰¹ *Telegram: Dispute between Bolivia and Paraguay over the Chaco*, 20 November 1933, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

⁸⁰² Álvarez del Vayo, *The last optimist*, 252. *Chaco Dispute: Correspondence with the Bolivian Government*, 1-343-1124, R3614, LONA. Note that Brazil had decided to withdraw from the League in 1926.

⁸⁰³ *The American Republics*, 1933, vol. 4, FRUS.

physical aspect and bodily experience of the commissioners equally deserves attention, apart from the traditional factors which shaped a long and strenuous conciliation process. The temporal dimension to the assignment contextualises the desire of some commissioners to wrap up the work and depart for Europe, eager to commence the next chapter of their professional careers.

The report

A duty of responsibility?

After four months of residing in the capitals of Latin America, the commissioners departed for Europe, destined to work on a final report in Geneva. Over a series of meetings, taking place between April and May 1934, they carefully finalised the main facts of the dispute and their version of events as they had unfolded in the last months. The Chaco Commission's report was completed 12 May 1934 and shortly thereafter presented to the Council for consideration. Álvarez del Vayo recalled it was 'fighting report rather than a formal diplomatic document', adding that it was 'written in the conviction that the best way to serve the League was to force it to act in defence of the Covenant rather than to hide behind an innocuous compromise.'⁸⁰⁴ The Spanish chairman thought it important to underline the importance of peace and the need for a definitive settlement of the long-lasting conflict, even though this desire to reconcile was at odds with his belief in a 'disinterested study' of the Chaco dispute.⁸⁰⁵ How impartial was the final report and to what extent did it aspire to goal of a detailed inquiry? Three elements emerge from final document, which are relevant to understand the commissions' conduct regarding the Chaco dispute: a civilisational and economic frame on the question of foreign interests, a strong adherence to balance, and a shirking away of the question of responsibility.

First, the report highlighted how the Chaco region had escaped the spectre of civilisation for several centuries, despite Spanish colonisation efforts and later attempts to develop the economic

⁸⁰⁴ Álvarez del Vayo, *The last optimist*, 258.

⁸⁰⁵ *Ibid.*

potential of the Boreal.⁸⁰⁶ The report professed that the origins of the dispute did not lie in the disagreement over certain legal titles (of ownership), but ‘that superficial appearance economic interests played a decisive part.’⁸⁰⁷ The hostilities between Bolivia and Paraguay – two civilised nations whose ‘own blood’ linked to Spain – was to be seen as a problem of economic development and the role played by foreign capital.⁸⁰⁸ This emphasis on the economics could be traced back to Álvarez del Vayo’s thoughts on the issue: he considered it crucial to see the Chaco War as a ‘result of conflicting capitalist interests’ and had insisted with his colleagues on ‘investigating and reporting the proportion of foreign capital invested in the Chaco’.⁸⁰⁹ To recall, Álvarez del Vayo believed that all Latin American disputes were rooted in the meddling behaviour of foreign (economic) actors.⁸¹⁰ Economics was the primary lens through which the (socialist) chairman of the Chaco Commission perceived the conflict, yet, this side-lined the political climate of the 1920s, during which both Bolivian and Paraguayan politicians sought electoral success via an aggressive, chauvinistic discourse.⁸¹¹

Second, the Chaco Commission was careful to uphold a balanced attitude to the dispute, namely by giving the sense of an equal treatment of the two countries. The report is structured towards achieving this aim: in the chapters, the views of Bolivia and Paraguay are presented along-side each other, without any trace of a weighing of the facts. Each case of ownership over the Chaco Boreal is presented as equal (‘In the eyes of Bolivia’; ‘In the eyes of Paraguay’) and there is no hint of evaluation of the righteousness of these claims.⁸¹² Were the countries right to build fortresses in the Chaco Boreal and advance their troops? Which political decisions had led to the outbreak of the war? While the report appears balanced towards the belligerents, there was no critical

⁸⁰⁶ *Dispute between Bolivia and Paraguay*, 15-16. Count Aldrovandi noted that ‘Spain has special merits for the development of the civilization and race in America’, from: *Telegram from Count Aldrovandi to the Ministry of Foreign Affairs*, 7 December 1933, Busta 24, ASD.

⁸⁰⁷ *Ibid.*, 44.

⁸⁰⁸ Álvarez del Vayo, *The last optimist*, 241. The two countries also framed the dispute as one about the right to ‘colonise the Chaco’. See: *Report from a meeting with President Ayala*, 19 November 1933, Busta 24, ASD.

⁸⁰⁹ *Ibid.*, 248.

⁸¹⁰ Álvarez del Vayo, *Julio. Embajador de España*, (10)61 54/18450, AGA.

⁸¹¹ *Minutes of Meeting of the Chaco Commission*, 13 February 1934, Busta 24, ASD.

⁸¹² *Dispute between Bolivia and Paraguay*, 25.

attitude towards the claims of the two countries – which would have strengthened the commission's role as impartial actor. The commission strived for an equal treatment of Bolivia and Paraguay, thereby renouncing one aspect of its task: to consider whether the facts of the dispute were equal and whether any of the belligerents carried a greater responsibility in the provocation of war. In the end, the commission's view was that both parties 'must bear the entire responsibility for the failure' to achieve peace, but this was a preservation of balance and hardly the result of an impartial evaluation of facts. Bolivia and Paraguay were called to adhere to the principles of the Covenant but did not provide an answer as to which of its articles were breached by them.

Third, the matter of balance inherently linked with the question of responsibility, as the evaluation of facts implied a consideration of possible acts of aggression which brought about the eruption of the Chaco War. In the initial meetings to draft the report the Chaco Commission appeared reluctant to make mention of responsibility. Álvarez del Vayo preferred to put the emphasis in the report on the final proposal which was made to the belligerents, i.e. 'the best possible' solution available to them.⁸¹³ In other words, the report became a justification of the commission's actions, rather than a detailed overview of the facts found on the ground. Aldrovandi raised the question of responsibility in the meetings and persuaded his colleagues that it should be studied 'in more detail' in the report.⁸¹⁴ Despite the chairman's view that the responsibility question did not have 'the character of an essential thing', the Commission would address it in a separate chapter.⁸¹⁵

In the final report, the Chaco Commission addressed the question in the fourth chapter – in the form of a justification why the commission avoided of any reference to the question of responsibility. It clarified that the restoration of peace was paramount to the region and an inquiry could have been detrimental to the peace process. The report added that such an inquiry

⁸¹³ *Revision of the Report of the Chaco Commission*, 5 May 1934, Busta 24, ASD.

⁸¹⁴ *Ibid.*

⁸¹⁵ *Minutes of Meeting of the Chaco Commission*, 1 May 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

would be difficult and 'further embittering the polemics on the subject of violations of international law.'⁸¹⁶ The minutes of meetings show that the Chaco Commission wished to argue that it neither had the mandate nor the capacity to complete a full inquiry. This reasoning was questionable at most, as the Council had specified that an investigation was a desirable outcome. In other words, the commission had refused adherence to this aspect of its assignment. The commission could only supply the Council 'with a detailed and reasoned opinion on the conditions in which such an inquiry could be carried out.'⁸¹⁷

The Chaco Commission signalled no desire to take up this role. Oddly enough, the commissioners had gathered a wealth of facts that could have paved the way for an inquiry and a comprehensive understanding of the origins of the Chaco War. Herein exists a contradiction that was strengthened by the language of the report: on the one hand, the report stated that an inquiry, i.e. 'the trouble of sifting the records or collecting evidence' would be a 'tragic error' in the pursuit of peace, on the other hand it still presented its report as 'frank expression' which had followed 'an impartial and conscientious inquiry into the development of this conflict upon its actual scene'.⁸¹⁸ Which version was true? There had been no inquiry, since Álvarez del Vayo told his colleagues to let the Council know it was 'not opportune for the time being' to open an investigation into the question – until the restoration for peace was impossible.⁸¹⁹ The full account of the negotiations and discussions have shown that there at least was an opportunity for the Chaco Commission to inquire into the origins of the dispute – if it so desired and if no peace could be obtained. There was no fundamental obstacle in the Council's resolution that obstructed the assignment, nor did the commission lack the necessary factual information to consider the main characteristics of the dispute. The commission, at least a majority of its members, had chosen to act differently. Two years before, the Lytton Commission had set a precedent: in a situation where reconciliation was

⁸¹⁶ *Dispute between Bolivia and Paraguay*, 48.

⁸¹⁷ *Ibid.*, 50

⁸¹⁸ *Ibid.*, 52, 57.

⁸¹⁹ *Minutes of Meeting of the Chaco Commission*, 3 May 1934, in private papers of Luigi Aldrovandi-Marescotti, Busta 24, ASD.

difficult and the results of an inquiry would also have considerable political ramifications, it still chose to offer the Council an investigation of all facts related to the dispute. The Chaco Commission abandoned its assignment after an agreement between the countries proved unlikely. As a consequence, the League's engagement with Latin America fell short of a major breakthrough: its commission had neither achieved peace, nor provided illumination over of the Chaco War's origins. In effect, it signalled the end of the League as a significant mediator on the international stage.

Aftermath

The Chaco Commission left Latin America without a peace agreement to end the hostilities between Bolivia and Paraguay. Its final task was the submission of a report to the Council of the League of Nations. The commission's activities on the ground were discussed in two sessions, held on 17 and 31 May of 1934. How did the League's Council respond to the activities pursued by the commissioners as well as the findings presented in the report? On the surface, there was praise for the Chaco Commission's labours in Latin America. The Council President expressed gratitude to the commission for its 'dedication and impartiality'.⁸²⁰ Similar statements were given by representatives of France, Italy, and Great Britain, which emphasised the strengths of the report, the impartial approach, and the sincerity of the peace proposals. In public, there was no critique on the commission for its failure to reconcile the views between Bolivia and Paraguay and its abandonment of a detailed inquiry. Privately, there were grievances within the Council and the Secretariat about the fact that the assignment had taken up valuable time during which the Council could not explore alternative means of dispute settlement.⁸²¹

The most stringent criticisms of the Chaco Commission's efforts originated from the two belligerent countries. Bolivia and Paraguay underlined the 'honourable efforts' of the

⁸²⁰ This had been suggested by the Secretariat rather than the President. *Telegram from Council President Nájera to the President of the Chaco Commission*, 14 March 1934, 1-5435-7455, R3636, LONA.

⁸²¹ *Letter from Council President Nájera to Frank Walters*, 12 March 1934, 1-5435-7455, R3636, LONA. In a secret meeting of the Council, there was a deliberate reproach (from Mr Massimo Pilotti) to the Commission for not having clarified in any way the responsibility of each of the parties. From: *Minutes of a Secret Council Meeting*, 1 June 1934, 1-343-11423, R3615, LONA.

commission, yet, quickly seized the opportunity to question the choices made by the League's representative body. Bolivia was careful to highlight the importance of the League, the Covenant and the commission's dedication to the cause of peace, emphasising the latter did not fail in its work, but it questioned much of the peace formula proposed by the commissioners. From the Bolivian perspective, the commission had given in to Paraguayan pressure by considering the impact of recent military gains.⁸²² Paraguay, on the other hand, provided a more extensive questioning of the commission after some words of praise, chiefly by stressing to the Council the commission's failure to discuss the question of responsibility in the report. It also criticised the fact that the commission had exceeded its mandate by trying to impose a judicial solution to the conflict.⁸²³ In fact, both Bolivia and Paraguay had desired the idea of an inquiry – if it meant absolution and vindication of one over the other – rather than a form of political compromise. The Paraguayan representation summarised the Chaco Commission's work in the following manner: '[It] attached more importance to the rejection of its peace proposals than to the outbreak of the war.'⁸²⁴

Of course, the criticisms of Bolivia and Paraguay should be seen as part of a long-standing diplomatic game where a policy of intransigence was seen as more favourable than a cooperative attitude towards peace. The Chaco Commission, in its incapacity to cease hostilities and fulfil its assignment, was an easy target for complaints. By no means would a detailed inquiry have meant a magical solution to the Chaco War – its conclusions could have easily been disputed by either country. Yet, at least an inquiry held the prospect of creating a different dynamic from previous negotiations, a more reliable narrative of what had transpired, which could have been the basis

⁸²² Memorandum from the Bolivian Government on the Report of the Chaco Commission, 23 May 1934, 1-5435-7455, R3636, LONA.

⁸²³ *Observations of the Paraguayan Government on the Chaco Commission's Report*, 9 July 1934, 1-5435-7455, R3636, LONA. "Dispute between Bolivia and Paraguay. Council Meetings held on 18 May 1934." *League of Nations Official Journal* 15 (July 1934): 748-762. "Dispute between Bolivia and Paraguay. Council Meetings held on 31 May 1934." *League of Nations Official Journal* 15 (July 1934): 770-782.

⁸²⁴ *Chaco Dispute: Report and Observations of Governments*, R3635, LONA.

for an international decision-making process on how to pressure one or both countries towards a peaceful resolution of the conflict.

Overall, the Council discussion was an opportunity for the belligerents to express their views on the Chaco Commission's handling of its task. There was no elaborate discussion nor strong engagement from other representatives in the matter. The Council did not seize the opportunity to begin a sustained discussion about the purpose of a commission, the obstacles it had faced and how its work could be strengthened in the future. The lack of a comprehensive debate was perhaps the outcome of limited knowledge about the conditions on the ground and the complicated regional diplomacy, but also revealed an unwillingness to learn lessons from this experience and improve its dispute-settlement mechanism. A touch of superficiality was common to Council meetings: the public sessions created the perception of open and transparent diplomacy, but arguably revealed little of what was happening behind closed doors. Yet, it was most significant that the Council took no initiative to extend the work of the commission, nor established a new body to search for a peaceful resolution of the Chaco War. Upon suggestion of the British representative, the discussion turned towards the question of arms exportation – and whether it should be permitted to countries involved in an armed dispute.⁸²⁵

The idea of a weapon's embargo had been privately raised already in 1933 as a means to starve the belligerents of the logistical means to continue hostilities over the Chaco Boreal. However, the reconciliation efforts of the Chaco Commission had delayed any active consideration of a ban on the sale of arms.⁸²⁶ With the commission's report out of the way, the Council could seek an agreement among its members to cut off the supply of weapons to the belligerent countries. In June 1934 a succession of Council meetings were organised to discuss the political support of other countries, the conditions under which it would apply and how it would be communicated.⁸²⁷

⁸²⁵ *Minutes of a Secret Council Meeting*, 1 June 1934, R3615, LONA.

⁸²⁶ There were also legal questions over the unanimity rule and the basis upon which it could be applied against both or one of the countries, if necessary (given the fact that the neighbours had declared neutrality in the dispute): *Chaco Dispute: Arms embargo, notes of Secretariat*, 1-343-5612, R3616, LONA.

⁸²⁷ *Chaco Dispute: Council Proceedings, Legal Committee, Minutes of Meetings*, 1-343-11423, R3615, LONA.

In parallel, Bolivia appealed to the League under Article 15 – which foresaw a more detailed investigation and a referral to the Assembly.⁸²⁸ The outcome, however, changed little to the dynamics of the Chaco War: the prohibition of the sale of arms and munitions of war saw numerous evasions (via third countries), whereas the additional League procedures only duplicated existing efforts to resolve the conflict.⁸²⁹ Privately, Walters from the Political Section indicated to the Council President Nájera that the key for any real progress lay with the neighbouring states.⁸³⁰

How did the Latin American countries respond towards the League's efforts at dispute-settlement, including the role of the Chaco Commission? For instance, the views articulated in US diplomatic cables, concerning Latin American states, were blunter in comparison to the lofty wording presented at the Council's meetings. The general perception was one of failure: The Foreign Minister of Chile was 'outspokenly unimpressed' with the commission's peace formula, while the Argentine government expressed its negative attitude and was ready to prepare a new initiative from the neighbouring states.⁸³¹ Brazil and Peru were less outspoken but only gave lukewarm praise to the commission's work. Those countries most sceptical of the League's work also happened to be those neighbouring countries with high-stakes in the Chaco Boreal dispute. Overall, there had been a reluctance of the American states to support the League's efforts would continue to influence the diplomatic efforts at peace for the remainder of 1934.

In one instance, Secretary-General Joseph Avenol (succeeding Eric Drummond) discussed with the US Consul in Geneva the possibility of a new committee to consider the question. Avenol's suggestion was met with no enthusiasm: the US Consul ruled out participation of his country in the committee and thought the League was better to 'avoid [an] additional loss of prestige.' This

⁸²⁸ "The Covenant of the League of Nations," Article 15.

⁸²⁹ *Discussion at the 15th Session of the Assembly*, September 1934, 1-343-13363, R3618, LONA. *Chaco Dispute: Appeal to Article 15 of the Covenant by the Government of Bolivia*, 1-343-11725, R3617, LONA.

⁸³⁰ *Chaco Dispute: Correspondence with the Governments of Peru and Colombia*, 1-343-11937, R3617, LONA.

⁸³¹ Quotes from telegrams dated 27 and 28 February 1934, in: *The American Republics*, 1934, Volume 4, FRUS, 59-60.

reflected the Secretary of State's desire to assist 'the more hopeful procedure' of the American states, which suggested a limited involvement of the League.⁸³² Equally, the Brazilian Foreign Minister thought that 'interjection of the League can only serve to deter a solution.'⁸³³ The pendulum of international initiative was swinging back towards the Western hemisphere.

For a brief while, Bolivia continued to engage with the League's peace machinery via Article 15 of the Covenant, whereas for Paraguayan cooperation had effectively ceased with the Chaco Commission's dissolution. The refusal of Paraguay to work together with the League was publicly condemned – the country was labelled 'an aggressor' and in response it resigned from the organisation. The measure was symbolic, as by this time the League had already lost both the initiative and the authority to resolve the conflict. In the meantime, a renewed effort by the American states showed more promise. In 1935, Bolivia and Paraguay accepted a proposal to participate in a peace conference, that would last more than three years but led to a lasting accord.⁸³⁴

What were the conditions of this breakthrough? By then, the two belligerent countries had started to feel the financial exhaustion of their long military campaigns. Neither Bolivia nor Paraguay was in a position to achieve a clear victory. Apart from the domestic context, the international dynamics had also changed. With the League out of the picture⁸³⁵, responsibility had returned to the American states to impose a solution on the belligerents. Contrary to previous negotiations, the American states seized the authority to arbitrate the border and establish a joint commission that would demarcate interests and negotiate economic and commercial

⁸³² Communication from the Consul at Geneva (Gilbert) to the Secretary of State (August 27, 1934) from: *The American Republics*, 1934, vol. 4, FRUS, 70.

⁸³³ Communication from the Consul at Geneva (Gilbert) to the Secretary of State (September 25, 1934) from: *The American Republics*, 1934, vol. 4, FRUS, 81.

⁸³⁴ *Conflicto entre Bolivia y Paraguay (1933-1936)*, in papers related to Latin America, (10)13 51/16138, AGA.

⁸³⁵ There was no League involvement with the peace conference that had started in 1935. See: *Chaco Dispute: Control established by the Buenos Aires Conference*, 1-343-29242, R3619, LONA.

conventions. Peace was found because of war fatigue at home, and a sufficient amount of international pressure to see an end to the war.⁸³⁶

Conclusion

When Álvarez Del Vayo recollected his thoughts in his memoir *The last optimist*, he felt sure that the Chaco Commission's final peace proposal 'would serve in the not-distant future as the basis for a definitive settlement of this insane conflict. And that, in fact, was the case.'⁸³⁷ This was the chairman's personal reading of the subsequent events, which led to the 1938 peace agreement. Few would have agreed with his observations. The utility of the League's commission and its methods of dispute settlement were not universally recognised. In contrast to Álvarez del Vayo, Chile's Minister of Foreign Affairs believed it had been a form of 'expensive political tourism.'⁸³⁸ How to explain such wild variations in views of the commission's work in the Chaco Boreal region? This chapter has demonstrated that the despatch of a group of international commissioners with the aim to end hostilities cannot simply be seen through the binary of success or failure. The complexity of the historical context at local, domestic, and international level reveals several factors which influenced the outcome of the commission's work.

The Chaco War was long in the making. For decades, the dispute remained within the confinement of regional diplomacy, as Bolivia and Paraguay bickered over a suitable compromise and regularly sought the help of other American states. Fuelled by domestic politics and public pressure, the foreign policy positions of the two countries gradually hardened: a minor legal issue became a concern over national sovereignty. Instead of exerting pressure, the neighbouring states kept an ambivalent attitude towards the conflict which hindered efforts towards a peaceful resolution. The good offices of the American states brought no resolution to the problem, only an endless

⁸³⁶ Leslie B. Rout ed., *Politics of the Chaco Peace Conference, 1935-39* (Austin: Institute of Latin American Studies, University of Texas Press, 1970). Óscar Javier Barrera Aguilera, La Guerra del Chaco como desafío al panamericanismo: el sinuoso camino a la Conferencia de Paz de Buenos Aires, 1934-1935." *Anuario Colombiano de Historia Social y de la Cultura* 38, no. 1 (January 1, 2011): 179-217. Chaco Dispute: Conclusion of the Peace, 1-343-18460, R3619, LONA.

⁸³⁷ Álvarez del Vayo, *The last optimist*, 258.

⁸³⁸ *Ministry of Foreign Affairs to Ambassador Count Luigi Aldrovandi*, 10 October 1933, Busta 22, ASD.

series of unratified treaties. The League of Nations was slow to get involved: it left the initiative to regional players when violence erupted in 1928. Although the Covenant provided the international legal framework for the League to assert its authority in the Latin American dispute, the unwritten rule was that the American states should take the lead. In practice, the League had no final authority regarding disputes in the Western hemisphere, which entailed a duplication of agencies and institutions as part of the international peace system. Only after the official declaration of war in 1933 and the repeated failure of a solution through the good offices of the limitrophe states, did the League seize its chance. The mandate set for the Chaco Commission in May 1933 was broad and did not favour one particular approach to address the conflict. This left a vacuum to be filled by the chosen members for the commission.

The Chaco Commission met a series of obstacles during its assignment. The selection of a group of international commissioners was perceived to give the assurance of impartiality, even though the candidates were chosen for their nationality. There were no formal selection criteria, but in practice the Council opted for a commission composed of senior diplomats and military men. The commission constituted only a temporary assignment in the careers of the chosen men. Personal rivalry crept up immediately after the establishment of the Commission in Montevideo. This contestation at a personal level made consensus on the optimal approach to the conflict impossible to achieve. The Council had given the commission a lot of discretion from the start, which in turn meant limited guidance on how to execute the assignment. The commissioners stuck to an often-tried method of reconciliation, whereas inquiry as a technique was overlooked.

Yet, rivalry at different levels had created obstacles for the League's investigative body. Bolivia and Paraguay had shown complete intransigence over the diplomatic reconciliation process. The belief held that only military advances could settle the Chaco question. There was no room for common ground or any form political transaction between the two belligerents to fairly divide the Chaco Boreal region. The Chaco Commission lacked the essential aid of the neighbouring states: they delayed the start of the investigation and had only provided lukewarm support on

the ground. The Pan-American Conference tried to undercut the League's initial peace initiative. The neighbouring states responded with scepticism to the commission's final proposal. In this chapter, the contestation at different levels cannot be seen as separate factors. It should be considered as a whole: it was precisely the interaction between local, domestic, and international factors which created the unfavourable conditions for the inquiry commission.

Thus, no singular cause explains how the Chaco Commission was beset by difficulties right from its establishment, although the thesis' imperial internationalist framework helps to understand how an effective inquiry never materialised. The Council's broad mandate, the national and regional interests, the duplication of conciliation efforts through rivalling political hierarchies, the civilisational lens, and the interpersonal relationships, each of these can be traced back to institutional, contextual and personal elements identified in the overall argument of the thesis. The League's final major international commission turned out to be quite different from what was anticipated, despite the many precedents set in the previous years. Reconciliation was favoured at all cost over truth by the commission, deliberately avoiding any sense of objective fact-finding or inquiry into the origins of the dispute – perhaps a reflection of how much the political situation of the 1930s was different from the preceding decade. The commission's supposed impartial detachment was a matter of language; in reality, the investigation was driven by a desire to balance the two countries' views. At times, the final report seems to embody a multitude of contradictory positions: an impartial attitude but vigilant towards peace, a desire to collect all facts but a refusal to draw conclusions.

Difficulties had beset previous League commissions, mostly originating from the institutional setting in which they were set up and the political context in which they operated. However, there were developments that supported the conclusion that an international organisation could play a role in dispute-settlement, by way of fact-finding missions. Inquiries into illicit opium production and forced labour had raised international attention to problems with ramifications beyond a country's borders. The Lytton Commission in Manchuria had pursued a fact-finding

mission and presented a clear assessment of all the facts of the conflict between China and Japan. The League had experimented with new ideas of peace-keeping in the Leticia dispute, which resulted in a successful resolution between Colombia and Peru. In contrast, the Chaco Commission refrained from embracing the inquiry technique or other options. Fact-finding was never the primary goal for the commissioners sent to Latin America; perhaps, the sense that knowledge production could improve the conduct of international politics had got lost in the tumult of the early 1930s. The Manchurian crisis had vindicated the League's critics who considered that power and diplomacy mattered more than facts and international cooperation. The Chaco Commission chose to reconcile. There was no genuine fact-finding mission that could be of value to the League's political decision-making process. After the Chaco Commission's report was submitted and discussed, the Council started its discussions about the next step, without taking guidance from its own commission. The actions of the Chaco Commission in Latin America had provoked no immediate consequence. By then, the League had already become an insignificant political player for the Chaco dispute – as the initiative switched back to neighbouring states – and arguably for most of the world.

7: Conclusion

‘Has experience strangled hope? (- you ask.)
Nay, rather hope now waves her wings triumphant over all.
Come what may, we win, whoever loses.
Every dream is assured of soberest fulfilment.
Our ignorance is now confirmed by knowledge.’
(C. Walter Young, *The League’s view of the Manchurian issue*, 1933)

During a speech given before the Anglo-American association in Peiping⁸³⁹, in the immediate aftermath of the Manchurian crisis, the scholar Carl Walter Young argued that the League of Nations’ use of the inquiry technique had been ‘necessarily slow’, when considering the gaps in the Covenant for situations without any clear precedent, as well as the technical challenges which invariably presented themselves in the preparation and actual investigative work on the ground.⁸⁴⁰ Young felt that events only started to move, without delay, once the Council and Assembly had been resolved to act on the findings of the Lytton report. Although the Manchurian case had been the most significant test for the League, a sense of bewilderment with Geneva’s unhurried methods and machinations was not exceptional: in its years of existence, Young was far from the only contemporary observer who grappled to distil a purpose to the League’s investigative commissions in international politics.

The League of Nations depended on the inquiry technique to rationally resolve a myriad of international issues. This dependence had sparked from a more general aspiration to transform international politics through new forms of diplomacy and expert knowledge that could bring overall benefit to humankind. In practice, these high aspirations clashed with the context in which inquiry was established and developed within the League of Nations, as a fact-finding technique to investigate and produce recommendations on a wide range of international issues. The thesis settled on imperial internationalism as a historical framework to situate and explain the inquiry

⁸³⁹ Peiping or Beiping are alternative transliterations for the city of Peking (Beijing) in this period.

⁸⁴⁰ *The League’s view of the Manchurian Issue: speech by C. Walter Young before the Anglo-American Association at Peiping (China)*, 17 March 1933, Victor Bulwer-Lytton Manchurian/LN Files, Box LH27, KHBL.

phenomenon at the international level; it focused on how the investigative technique was adapted from a domestic context (as a flexible tool under state authority, also used by colonial authorities) and evolved in multiple ways at the international level (in many cases, part of a court system and embedded in international law) to uphold political and institutional status-quo that characterised the post-Versailles international system. This system was based on imperial hierarchies that linked to extensive political and economic interests and a standard of civilisation that was employed to guide the development of the non-Western world under 'enlightened' tutelage and, almost exclusively, white and male expertise.

The 'why' of inquiry suggests there was a desire to find greater means of detachment in the conduct of international politics, to depoliticise the process in which facts were gathered and would inform the decision-making process between member states of the League of Nations.⁸⁴¹ However, this aspirational agenda fell short in the practical use of investigative commissions to resolve inter-state disputes and cross-border issues. This is best exemplified by the fact that inquiry was kept throughout its life at the League as a flexible, ad hoc technique, with unwritten procedures and a timetable that allowed for diplomatic contingency and frequent delay. Moreover, investigations were marked by a preference to consider only countries and regions of the world that were deemed of not (yet) having reached the threshold of civilised society, or those that risked overstepping the boundaries of what was acceptable – a challenge or undermining of the post-war imperial status quo. Whereas mandated territories under the League had their own mechanisms for supervision and verification, the inquiry technique covered independent and sovereign nations: they were members of the League organisation but also perceived as on the brink of chaos or on a pathway to development but in need of guidance and reform.⁸⁴²

⁸⁴¹ A similar evolution towards detachment and depoliticization can be traced in the development of international law: Martti Koskenniemi, *From Apology to Utopia the Structure of International Legal Argument* (Cambridge: Cambridge University Press, 2009). Also see: Norbert Elias, "Problems of Involvement and Detachment." *The British Journal of Sociology* 7, no. 3 (1956): 226–252.

⁸⁴² International supervision of the mandated territories is extensively covered in international law as well as Pedersen's recent monograph (*The Guardians*) although other forms of fact-finding and control have not been scrutinised to the same degree – for the link between international administration and a civilisational standard.

The rich empirical fabric of the thesis demonstrates that inquiry did not have to be ‘necessarily slow’ but was conditioned by its institutional milieu, multi-level power dynamics and the political context. Inquiry served as a means to buy additional time during diplomatic crises or raise pressure on countries to enact legal and administrative reform. As such, the aspirational agenda of inquiry did not often go beyond lip service at the League’s political bodies and the hierarchical, power constraints placed upon international organisation during this period. However, the thesis has equally sought to identify shimmers of ‘progress’ in the use of fact-finding missions to bring a greater degree of accountability and fact-based discussion in international politics. Many of these examples were visible in the agency of individual actors, such as commissioners who pursued novel investigative methods and reflected on facts and their verification, as well as small, sovereign states who sought to defend their rights diminished by extensive foreign and international tutelage.

The overall picture that arises from the four case studies, covering different themes and regions of the world, is one that strengthens the thesis’ original resolve to view the League’s inquiries as one and the same phenomenon. Despite the thematic discrepancies, all investigations organised under the auspices of the League followed a process that was similar in nature: at the beginning, a fact-finding missions would be provoked by a legal or diplomatic catalyst (a dispute or discussion at the international level), resulted in the selection of a multinational team, chiefly comprising European men of stature, that made an extensive visit to the concerned region to conduct interviews, gather factual data, but also relying on Western experts on the ground – identified as dispassionate sources of information. Whereas the League’s Secretariat was more closely involved in technical issues, such as health, opium and human trafficking – leading to more active considerations of qualifications and expertise of the commissioners – in general all inquiries were characterised by their flexible, ad hoc nature, at which political considerations determined the terms of reference and the composition of the team, with no evidence of a distinct learning curve or methodological development throughout the inter-war years.

Inquiry as a League phenomenon, however, was bound together by function, context and scientific attitudes; the latter held by investigators but also embedded in the structures of the organisation.⁸⁴³ Its function extended beyond fact-finding in a narrow sense of the word: the presence of an inquiry commission on the ground often had to serve diplomatic purposes – either to reconcile hostile partners, over Manchuria and the Chaco, or sustain international scrutiny on an issue with cross-border ramifications, such as forced labour and illegal opium production. There was also a performative aspect to inquiry: commissioners were the League's representatives on the ground, and a palpable sign of the organisation's capacity to act in international politics.

In practice, diplomatic exigencies served a different aim from fact-finding, which limited the capacity of the investigative team to gather facts and determine the truth – especially when truth precluded a compromise and peaceful resolution of a conflict. In most cases, fact-finding presented a softer face of foreign tutelage, first through its recommendations identified in the report, but second in the prospect of additional expertise that could be brought in to enact administrative reforms and develop the economy. Inquiry held the prospect of replacing direct intervention by major powers by more subtle means of influence – yet this meant inquiry was never free from instrumentalisation for political aims: either providing the time to conjure up a diplomatic response or to extend Western interests, in the form of beneficial trade relations and turning international scrutiny away from colonial administrations.

The context in which the League organised its inquiries was characterised by a multi-level field of competing powers, contestation and rivalry palpable through local, domestic and international frames of analysis. The dense empirical documentation explored for this thesis, ranging from League reports, minutes and notes, to diplomatic and personal correspondence covering a large number of countries and individual commissioners, shows the constraints imposed on inquiry

⁸⁴³ Or, as Bentley Allan has argued, a distinct scientific cosmology of 'evolutionary developmentalism' that was at the heart of international organisation in this period, and was inherently linked to the colonial project, imperial hierarchies and the use of a civilisational standard to condition and influence the behaviour of states. Allan, *Scientific Cosmology and International Orders*, 181-183.

that were determined by internal feuds within investigative teams, concerning the chairmanship or the overall approach to the assignment, domestic confrontations between social groups and political factions, and an intense competition between countries, large and small nations, as well as international organisations, over matters of sovereignty and the appropriate authority to intervene. Tension arising at one level also had repercussions for other levels and its constituting political actors, most of all visible in how commissions were met by uncooperative attitudes, actors and countries unwilling to accept or support the findings of the final report and seeking to steer the investigation and decision-making process to the most beneficial outcome.

Finally, the scientific attitudes conveyed by the League's investigators were marked by relative unity in their ideological underpinnings, namely a belief that the international system established after Versailles was largely just and fair, despite its imperial hierarchies and power inequalities, a sense of duty of the Western (chiefly European) world to interfere with the rest, a 'sacred trust' to teach sound administration and economic development beyond the mandated territories.⁸⁴⁴ Civilisational language did not just appear when inquiries engaged with the African continent or Central Asia but also framed the approach when dealing with the domestic chaos in China, Japanese imperial aspirations, and the 'undeveloped' green lowlands of the Chaco Boreal. While commissioners displayed scrutiny for the quality and prejudices of their local (non-Western) sources, no such active reflection extended to their personal biases, namely their 'civilised' mindsets, construed around imperial idioms, modes and repertoires, and occasionally examples of racialised language. The standard of civilisation, which implied decency and restraint, was perceived as complementary to new forms of international 'technical' work, fact-finding, and foreign assistance overseeing administrative changes and economic reforms, which in reality sought to extend Western political and economic reach into the domestic affairs of sovereign nations.

⁸⁴⁴ In the past, the 'sacred trust' has been exclusively applied to the historiography of the League mandates system but similar forms of civilisational discourse appear in other spheres of the organisation's activities. For a discussion about the fuse between imperialism and internationalism through mandates see Callahan's *A Sacred Trust*.

What impact did inquiry have on the development of international organisation and its aspiration to rationalise and improve inter-state cooperation? Both historians and international legal scholars have tended to frame the debate around the binary of success and failure, or the question 'what difference it made'.⁸⁴⁵ At first sight, this frame seemingly leads to the conclusion that inquiries were powerless in relative terms, in the sense that they failed to speak truth to power, were mired by institutional ambiguity and diplomatic compromise, in the end, with their conclusions ignored by decision-makers. The imperial internationalist framework, however, shows that they served different, sometimes disparate interests: inquiries allowed to focus and sustain public interest and even outrage over countries that risked stepping out of line; moreover, they provided the major powers and architects of the League with a safety valve, that allowed them to sidestep a direct response or questions of intervention, but did enough to preserve the semblance of a working international system.

Following this line of interpretation, inquiries showed indeed some promise as a technique to manage a complex, multi-level field of power dynamics, as they maintained the imperial and civilisational underpinnings of the international system, but allowed for nominally transparent and more egalitarian forms of public discussion on international issues.⁸⁴⁶ For small countries, this meant an opportunity to defend their reputation and protect their sovereign rights through a diplomatic representative in Geneva, rather than the force of arms. Inquiry's unquestioned role in the fabric of international organisations today, suggests it has served these interests with a relative degree of success.⁸⁴⁷

⁸⁴⁵ For recent examples, see the 2019 symposium 'International Commissions of Inquiry: What Difference Do They Make? Taking an Empirical Approach' in the *European Journal of International Law*.

⁸⁴⁶ For the importance of power and the relationship between imperialism and internationalism, also see: Patricia Clavin, "Intro: Conceptualising Internationalism Between the World Wars." In *Internationalism Reconfigured: Transnational Ideas and Movements between the World Wars*, ed. Daniel Laqua (London: I.B. Tauris, 2011), 4-6.

⁸⁴⁷ For this reason, long-term studies of the inquiry phenomenon are a fruitful avenue of future research. For example, see Lori Allen's examination of inquiries in Palestine during the twentieth century: Allen, "Determining Emotions and the Burden of Proof in Investigative Commissions to Palestine," 385-414.

Until recently, the development and continued appearance of inquiry commissions at the international level was not considered as a research subject in its own right. In both political and historical terms, limited attention was given to the underlying rationale of truth seeking, as a form of knowledge production, in the power-denominated structures of international society. The thesis situates its overall contribution in linking the subject of international inquiry with the League of Nations' history and providing a conceptual framework that explains how investigative commissions constituted a palpable part of a complex interaction between agents and institutions at the local, domestic and international level. The imperial internationalist framework comes to fruition in the densely mapped precursory stages, investigative modalities and aftermath of inquiry; it reveals an often-used technique that neither led to a ground-breaking transformation of international politics, nor was bent entirely to the will of imperial powers.

In using inquiry commissions as a microcosmos to study and conceptualise inter-war international politics, this thesis has also sought to make wider contributions to international history and the scholarship on international organisations. First, it has pursued an understanding of the League of Nations, its nature and functioning, not dependent on archival materials from one sphere of its activities but based on a wide range of evidence for multiple sections and involving a great number of League officials and country representatives. From the outset, the thesis' intention was to identify structures and processes related to knowledge production that underscored a supposedly diverse range of practices at the organisation.⁸⁴⁸ As such, the thesis has sought to combine a more holistic perspective, built around the League's scientific cosmology, with analysis of events at the granular level, i.e. through the diverse empirical resources that comprise inquiry commissions.

Second, the choice of case studies has contributed to a truly 'international' history of the period, one that shifts and scatters points of gravity away from Geneva, despite extensively mining the

⁸⁴⁸ Here the thesis has sought inspiration in a growing IR literature that links the production of knowledge by international organisation with wider material and ideological structures. See: Guevara and Kostić, "Knowledge Production in/about Conflict and Intervention," 4.

organisation's archives for source materials. The thesis provides evidence of the importance to study other regions during the inter-war period, beyond the main preoccupations of Western and European politicians, but which had a clear impact on international relations. For example, the Liberian case should be understood as a crucial stepping stone in the League's dealings with the Italian invasion of Abyssinia, a conflict that was marked by a direct, militarised form of humanitarian imperialism.⁸⁴⁹ The Chaco War was by far the biggest conflict in the Western hemisphere and had political and economic ramifications that reached beyond the time-frame of the thesis. Similarly, the East Asian conflict over Manchuria was perhaps the most defining moments of inter-war international history, one that put initial optimism surrounding the League into question. The opium question in Persia indicates that interconnected issues related to trade and people became an increasing concern for states, as global developments that escaped efforts to control them at the domestic level.

In each of the case studies, the political power and economic preponderance of the United States cannot be overlooked, despite its 'isolationist' stance towards the League of Nations. In the establishment of inquiry commissions and working on the ground, no such absence was felt. Rather, the United States played a fundamental role both in the League's fact-finding missions as in more diplomatic terms, providing financial means or raising pressure on the concerned countries. As such, inquiry commissions have shown to be a useful microcosmos to grasp the central tenets and complexity of the inter-war international system, with its imperial legacies, changes in the balance of power, frequent clashes and competition for greater political and economic influence, sometimes to the detriment of sovereign rights.⁸⁵⁰

A final contribution and wider significance of the thesis can be identified in its attempt to position inquiry within a long-term history of international organisation, with attention to the role of

⁸⁴⁹ Amalia Ribi Forclaz. *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880-1940* (Oxford: Oxford University Press, 2015).

⁸⁵⁰ This micro-cosmos has thus served to give a less ideational and more empirical insight in the imperial internationalist argument put forward by Mark Mazower in *No Enchanted Palace* and *Governing the World* and recently in the work by Jerónimo and Monteiro: Miguel Bandeira Jerónimo and José Pedro Monteiro, *Internationalism, Imperialism and the Formation of the Contemporary World* (New York: Springer, 2017).

knowledge production as a functional component and process in its overall development. Collecting all the world's information and finding means to produce expert knowledge became a central preoccupation of early twentieth-century organisations – particularly the League of Nations – and has continued unabatedly for its twenty-first century successor(s). During the League's lifetime, extensive efforts were made and resources committed to the gathering of statistical data and detailed information on individual countries, subsequently published in reports, yearbooks and analyses; these efforts and resources were driven by a conviction that reliable knowledge would improve decision-making and bring a sense of accountability and justice to societies.⁸⁵¹ Knowledge was crucial to the idea of global governance and a vital component in the development of international order. Yet, this thesis confirms that knowledge production in its myriad forms is neither neutral nor fully independent and requires a study of its context and ideological underpinnings.

The study of the League's inquiry commissions has chiefly been within the scope of international history, although the thesis has sought to bring insights from International Relations and related social sciences into the fold. The project was built around the empirical materials that comprised the commissions and stuck to an inductive approach that allowed the exploration of different literatures and eventually one framework to address the rationale behind the League's use of the inquiry technique. Limitations are prevalent because of the detailed emphasis on the inquiries and its members, both with regard to their actions and thoughts, which due to constraints in time and resources, could not be expanded to all stakeholders involved in the four case studies. Although not every actor and institution has been given an equal amount of detail, it should be sufficient to provide a comprehensive depiction of the political and institutional context and reinforce the narrative of the thesis. Another limitation, perhaps, is the choice of inquiry case

⁸⁵¹ For one French statistician, 'a precise knowledge of the economic and social condition of peoples, their strength and productive power, would be the best guarantee for universal peace, as it would prevent the practice of underhand economical struggles which often are a prelude to political conflicts.' Source: Lucien March, "International Statistics and the League of Nations." *Quarterly Publications of the American Statistical Association* 17, no. 133 (March 1921): 629.

studies that had to be made. The thesis has pursued a case study selection that covered multiple times and a longer time-frame, although it acknowledges that a choice of different examples might have brought up new elements and distinct frames of analysis. Nevertheless, the yet uncharted materials of other inquiry commissions point to the additional gains from future research, that could cover both League examples as well as inquiries in more recent periods.

A future research agenda could cover a longer period of time, but continue to address questions of function, purpose and their ideological underpinnings, through the granular fabric provided by inquiry commissions. Particularly, questions concerning the standard of civilisation, its workings beyond areas of League activity directly concerned with mandated territories, point to fruitful synergies between international history and process sociology and valuable insights in the entanglements of imperial projects, knowledge production and the development of international organisations.⁸⁵² Moreover, the imperial internationalist framework in which inquiry took shape at the international level and its subsequent development at the UN and non-governmental organisations, shows the importance of questioning the impartial and depoliticised credentials of international investigation. Whether as subject to an ideological conflict that pitted liberal democracies against communist states during the Cold War or in the context of the post-colonial world that became a 'governable object' for Western actors involved in policy formulation and knowledge production, inquiries have seemed to play a controversial role within international organisation.⁸⁵³ Pitfalls in their establishment and functioning, notably the many unfixed rules of procedure and lack of standardisation, have had repercussions for their transparent and impartial credentials – problems which are only being tackled in recent times.⁸⁵⁴

Many of the contemporary characteristics of inquiry at the international level – UN-investigations of human rights violations being the most palpable examples – can be traced back to the League,

⁸⁵² For instance, see Andrew Linklater's *Violence and Civilization in the Western States-Systems*.

⁸⁵³ Markus Hochmüller and Markus-Michael Müller, "Encountering Knowledge Production: The International Crisis Group and the Making of Mexico's Security Crisis." *Third World Quarterly* 35, no. 4 (April 2014): 708-09. For the Cold War context, see: Liebllich, "At Least Something: The UN Special Committee on the Problem of Hungary, 1957 – 1958."

⁸⁵⁴ Mendez, "Commissions of Inquiry: Lessons Learned and Good Practices," 47-54.

and some scholars have stressed the 'foundational' nature of the organisation in bringing a technocratic approach to the world of inter-state politics.⁸⁵⁵ However, tracing the evolution of international governance cannot be separated from the political structures, power relations and scientific attitudes that comprised the time period; identifying these contexts and ideological underpinnings are crucial both to understand contemporary challenges to fact-finding missions and to identify improvements to existing practices.

⁸⁵⁵ 'The men and women who worked for the League's various technical committees and organizations extended the League's work into a wide array of international social and humanitarian areas. Through their work, these bureaucrats and reformers created a form of functional internationalism that outlasted the League and helped to shape the work of the United Nations after 1945.' From: Gorman, *The Emergence of International Society in the 1920s*, 12.

Note on Spelling

Because many of the events described in this thesis are set in the early twentieth century, there are a couple of marks with regard to spelling and the transcription of names. The League of Nations used inquiry and enquiry interchangeably to denote its investigative commissions (in the French translation of reports it used *enquête*). In the thesis, inquiry is consistently favoured over enquiry, as the former is commonly used to denote an investigation whereas the latter implies a general ask or question. Names of people and places have been kept as they appeared in the source material or were transliterated in the period. For instance, Persia is used instead of Iran and the Wade-Giles romanisation is preferred for Chinese names of individuals and cities, such as Chiang Kai-shek, Nanjing and Peking. In case of confusion, the modern (pinyin) romanisation of a name or word is added in the footnotes.

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⁸⁵⁶ Organised per archive (alphabetical, **bold**), series and archival box/folder (chronological, underlined).

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